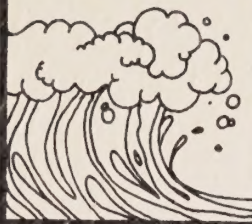


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EIR GUIDELINES

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EIR GUIDELINES

**THIS DOCUMENT CONTAINS THE FOLLOWING
STATE AND LOCAL REGULATIONS GOVERNING
THE ENVIRONMENTAL REVIEW PROCESS:**

- I. SOLANO COUNTY EIR GUIDELINES**
- II. STATE EIR GUIDELINES**
- III. CALIFORNIA ENVIRONMENTAL
QUALITY ACT OF 1970 (CEQA)**

**COMPILED BY SOLANO COUNTY PLANNING DEPARTMENT
COURTHOUSE • FAIRFIELD, CALIFORNIA • 94533 • (707) 429-6561
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SECTION I

"Resolution Establishing Procedures For Implementation of the California Environmental Quality Act"

Adopted by Solano County Board of
Supervisors on May 2, 1978

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SOLANO COUNTY PROCEDURES
FOR IMPLEMENTATION OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

I. PURPOSE AND OBJECTIVE

The purpose of these procedures is to adopt criteria applicable to the government of the County of Solano for the evaluation of projects and the preparation of Environmental Impact Reports (EIRs) pursuant to the California Environmental Quality Act and the State EIR Guidelines adopted pursuant to Public Resources Code Section 21083. Such guidelines, in addition to this procedure shall be followed by County agencies in implementing the CEQA. The objective of this procedure is to comply with policies established by the legislature and the Courts of the State of California relating to preserving and enhancing environmental quality. The policies are set forth in the State EIR Guidelines, California Administrative Code, Sections 15011, 15011.5 and 15011.6.

II. DEFINITIONS

A. Definitions Adopted. Those definitions set forth in Title 14, Article 4 (beginning with Section 15020) of the California Administrative Code, (hereinafter cited as "State EIR Guidelines Section ____") are hereby adopted and included verbatim.

B. Additional Definitions by Solano County.

1. Board. Board means the Solano County Board of Supervisors.
2. Committee. Committee means the Solano County Environmental Review Committee (ERC).
3. County. County means the County of Solano.
4. County Agency. County Agency means any County officer, employee, department, commission, or division, or the Board of Supervisors. County Agency does not mean a County-wide organization of which the County is only one member.
5. County Permit. County Permit means a decision to issue a County governmental permit, license, grant, certificate, lease, zoning-building permit, authorization pursuant to a zoning or subdivision, ordinance, regulation or statute or other entitlement in regard to a private project.

6. Draft Negative Declaration. Draft Negative Declaration means a Negative Declaration which has been prepared by the Responsible Department but has not yet been adopted by the decision-making body.
7. Planning Commission. Planning Commission means the Solano County Planning Commission.
8. Planning Director. Planning Director means the Director of the Solano County Planning Department or his designated representative.
9. Project. Project means and includes both private and public projects.
10. Private Project. Private project means the whole of an action which has a potential for physical impact on the environment, directly or ultimately, that is any of the following:
 - a. An activity undertaken by a non-governmental entity which is supported in whole or in part through public agency contracts, grants, subsidies, loans or other forms of assistance from one or more public agencies.
 - b. An activity involving the issuance of a County permit, as defined in number 5 above, to a non-governmental entity.
 - c. An activity wherein a non-governmental entity requests the enactment or amendment of zoning or subdivision regulations or amendment of the General Plan or its elements.
11. Public Project. Public project means the whole of an action directly undertaken by a County Agency which has a potential for physical impact on the environment directly or ultimately, including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof, pursuant to Government Code Sections 65100-65700 (Local Planning). This also includes applications for grants which might lead to any of the aforementioned activities.

12. Responsible Department. Responsible Department means any County department or agency whose budget contains or would contain a majority of the County funds necessary to undertake a proposed public project; or any County department or agency which has the authority to grant or deny discretionary entitlements for private projects.
13. State EIR Guidelines. State EIR Guidelines means that document entitled "Guidelines for Implementation of the California Environmental Quality Act of 1970", as amended, these regulations being found in California Administrative Code, Title 14, Division 6, Chapter 3.

III. ENVIRONMENTAL REVIEW COMMITTEE

- A. Establishment. There is hereby created and established the Solano County Environmental Review Committee (ERC) composed of the following members:
 1. Planning Director
 2. Public Works Director
 3. Director of Environmental Health
 4. Emergency Services Director
 5. Agricultural Commissioner
 6. Director of Cooperative Extension Service (non-voting member, advisory only).

Each of the above-listed officers may designate a representative to attend Committee meetings; however, the intent is to have permanently assigned members, by name, to function as the Environmental Review Committee.

- B. Authority. The Committee shall determine, in accordance with CEQA, State EIR Guideline Sections 15081 and 15082, and this procedure whether or not those public and private projects not exempt from the aforementioned regulations, as so provided therein, may have a significant effect on the environment. The Committee shall conduct an Initial Study in accordance with State EIR Guidelines Section 15080, to arrive at its determination. Alternatively, the Committee may review an Initial Study submitted by the Responsible Department or Planning Department. The Committee shall consult with all Responsible

Agencies prior to determining whether a Negative Declaration or an EIR is required. The Committee may also solicit comments from other public agencies and individuals with respect to projects when it would be beneficial in the determination of whether or not a project may have a significant environmental impact.

- C. Results of Determination. In the event that the Committee determines that a project will have no significant effect on the environment, then the Committee shall notify the Planning Director or the Responsible Department of the Committee's finding and require that a Negative Declaration be prepared. In the event that the project may have a significant effect on the environment, then the Committee shall notify the Planning Director or the Responsible Department of the Committee's finding and require that an EIR be prepared. The Committee shall determine whether a Negative Declaration or an EIR is required within 45 days of the date that the project application is accepted as complete.
- D. Conduct of Meetings. The Committee shall establish procedures, including a regular time and place of meeting, to insure compliance with the intent of this procedure. The meeting shall be open to the public. Records of determinations shall be kept and be made available for public review.
- E. Appeal. A decision of the Committee may be appealed in accordance with Article IX of this procedure.

IV. ENVIRONMENTAL IMPACT EVALUATION PROCEDURE

- A. General. Every County Agency has the obligation to comply with the provisions of the California Environmental Quality Act (CEQA). CEQA applies to the projects, as defined in Article II, of County agencies as well as private parties. No public or private project shall be approved or granted until the requirements of CEQA have been satisfied in accordance with the procedures set forth herein. Environmental review shall also be carried out during the formulation of any grant application for federal, state and regional funding.
- B. Timing of Environmental Review. Environmental review should be carried out as early as feasible in the project planning process. Early review is a useful planning and management tool which enables environmental constraints and opportunities

to be considered before project plans and programs are finalized. In the case of public projects, environmental review shall be initiated and, if possible, completed prior to requests for authorization or funding from the Board of Supervisors.

C. Responsibility for Environmental Review.

1. Responsibility of Planning Department. The Planning Department shall be responsible for directing the overall implementation of CEQA for the County of Solano. However, each department shall ensure that all requirements of CEQA, the State EIR Guidelines and this procedure are complied with for each project under its jurisdiction.
2. Responsibility of County Departments other than the Planning Department. All County Departments shall establish procedures for ensuring that all public projects for which they are the Responsible Department, as defined in Article II, are coordinated with the Planning Department for environmental review pursuant to CEQA. All County departments shall also establish procedures for ensuring adequate environmental review of all discretionary permits on private projects which they administer. Each department shall make a determination as to whether each such permit is exempt from CEQA or must be referred to the Environmental Review Committee as outlined in Section E. below.
3. Administrative Assistance. The responsibility to carry out project evaluations and to prepare all environmental documents, as required by CEQA, the State EIR Guidelines and this procedure for public projects shall rest with the Responsible Department. The Planning Director shall assist the Responsible Departments by providing administrative assistance in the review, noticing, recording and distribution of all documents prepared, the selection of EIR consultants, and the holding of required meetings and public hearings. The Responsible Department, however, shall prepare Negative Declarations or EIRs as may be required.

D. Determination of Environmental Impact by Planning Department.

1. Initiation of Review - Private Project. Persons seeking a County permit or entitlement through the Planning Department for a proposed private project or seeking a change thereto, shall, at the time of application for same, complete an Environmental Questionnaire on a form prepared by the Planning Director and may be required to submit additional data and information necessary for an evaluation of the possible environmental impact of the proposed private project.
2. Initiation of Review - Public Project. Upon determination by any County department that a public project, as defined in Article II, should be carried out, or during preliminary study leading to such determination, whichever occurs first, the Responsible Department shall so advise the Planning Director. The Responsible Department shall complete an Environmental Questionnaire in a form prepared by the Planning Director and may be required to submit additional data and information necessary for an evaluation of the possible environmental impact of the proposed public project.
3. Preliminary Review. The Planning Director shall review the projects mentioned in numbers 1 and 2 above and make the following determination:
 - a. Determine those instances where it can be seen with certainty that the project will not have a significant effect on the environment, pursuant to the State EIR Guidelines Section 15060;
 - b. Determine whether or not the project is ministerial;
 - c. Determine whether or not the project is categorically exempt;
 - d. Determine whether or not the project is an emergency project.
4. Preliminary Finding - No Effect. When the Planning Director determines that (1) the project cannot, with certainty, have a significant effect on the environment, or (2) the project is ministerial, or (3) the project

is categorically exempt, or (4) the project is an emergency project, then the requirements of CEQA, the State EIR Guidelines and this procedure do not apply. A record of this exemption should be kept in the project file.

5. Preliminary Finding - Possible Effect. Where the Planning Director determines that the project may have a significant effect on the environment, or is undecided as to effect, he shall refer the matter to the Environmental Review Committee.
6. Action by the Environmental Review Committee. If the Committee determines that a Negative Declaration is in order, then the Responsible Department shall issue same in accordance with Article VII of this procedure. If the Committee determines that the project may have a significant effect on the environment, then the Responsible Department shall cause an EIR to be prepared.

E. Determination of Environmental Impact by County Departments other than the Planning Department.

1. Preliminary Review. Persons seeking a County permit or entitlement from a department other than the Planning Department for a proposed private project, as defined in Article II, or seeking a change thereto, shall, at the time of application for same, submit sufficient information for an evaluation of the possible environmental impact of the proposed private project. The Responsible Department shall then review the project and make the following determinations:
 - a. Determine those instances where it can be seen with certainty that the project will not have a significant effect on the environment; pursuant to the State EIR Guidelines Section 15060;
 - b. Determine whether or not a project is ministerial;
 - c. Determine whether or not a project is categorically exempt;
 - d. Determine whether or not a project is an emergency project.
2. Preliminary Finding - No Effect. Where the department determines that (1) the project cannot, with certainty, have a significant effect on the environment, or (2) the project is ministerial, or (3) the project is

categorically exempt, or (4) the project is an emergency project, then the requirements of CEQA, the State EIR Guidelines and this procedure do not apply. A record of this exemption should be kept in the project file.

3. Preliminary Finding - Possible Effect. Where the department determines that the project may have a significant effect on the environment, or is undecided as to its effect, it shall refer the matter in writing to the Environmental Review Committee. The department shall provide the Committee with all information which the Committee may find necessary to reach its decision.
4. Action by the Environmental Review Committee. If the Committee determines that a Negative Declaration is in order, then the Responsible Department shall prepare same, in accordance with Article VII of this procedure. If the Committee determines that the project may have a significant effect on the environment, then the Responsible Department shall cause an EIR to be prepared.

V. PREPARATION OF ENVIRONMENTAL IMPACT REPORTS

- A. EIR Required. Whenever it has been determined that a proposed project may have a significant environmental impact, an EIR shall be prepared. The EIR shall be prepared in accordance with the State EIR Guidelines. An EIR for a private project shall be completed and certified within one year of the date of acceptance of the project application as complete, unless the conditions specified in State EIR Guidelines Section 15054.2 (b)(4) exist.
- B. EIR Preparation.
 1. Public Projects. The preparation of Draft EIRs and Final EIRs for public projects shall be the responsibility of the Responsible Department for the project. Such Responsible Department may contract with an approved consultant for the preparation of an EIR.
 2. Private Projects. Draft EIRs and Final EIRs for private projects shall be prepared by an approved consultant if not prepared by County staff. Requirements for independent

County evaluation and analysis set forth in the State EIR Guidelines Section 15061 (b) shall be met.

3. Consultant Selection for Private Project EIRs. The Responsible Department shall select and contract directly with private consultants for the preparation of EIRs for all private projects. All costs of EIR preparation shall be paid for by the project applicant who shall so agree in writing prior to execution of a contract between the County and the consultant. EIR processing fees shall be paid to the Responsible Department as prescribed in the County Code. All consultants invited to bid on a contract shall be carried on a list of approved consultants maintained by the Planning Department.
4. List of Approved Consultants. The Planning Department shall maintain a list of consulting firms which have been approved by the Planning Director for the preparation of EIRs for projects which have been proposed in the County.
5. Conflict of Interest. Persons or firms having a financial interest in approval of the project shall not be selected for preparation of the EIR. Persons or firms already employed by the project applicant for other work shall also not be selected.

VI. PROCESSING OF DRAFT ENVIRONMENTAL IMPACT REPORTS

- A. General. No County Agency shall issue a County permit or entitlement for any private project to be conducted within Solano County which may have a significant environmental impact unless an EIR has been prepared and certified in accordance with this procedure. No public works, construction, improvement, or other project which may have a significant environmental impact shall be undertaken by this County or any department thereof unless an EIR has been prepared and the Board of Supervisors has considered and certified it. The Planning Commission shall review and make a recommendation as to certification on all EIRs concerning public projects. The Planning Commission shall review and certify all EIRs prepared for private projects.
- B. Early Consultation.
 1. Notice of Preparation. Upon deciding that an EIR is required for a project, the Responsi-

ble Department shall send to each Responsible Agency by certified mail, a Notice of Preparation stating that an EIR will be prepared. The Notice shall also be sent to every federal agency involved in approving or funding the project. The Notice shall be prepared as described in State EIR Guidelines Section 15066 (c) and (g).

2. Other Consultation. Prior to completing the Draft EIR, the Responsible Department should also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. For projects where federal involvement might require preparation of a federal EIS, the appropriate federal agencies shall be consulted with as provided in State EIR Guidelines Section 15063.

C. Notice of Completion. Upon completion of a Draft EIR by any County agency, the Planning Commission shall determine the adequacy of the Draft for Public review. If it is found to be adequate, the Planning Director shall file a Notice of Completion with the Secretary for Resources in accordance with State EIR Guidelines Section 15085 (c). He shall also post a copy of the Notice of Completion on a bulletin board adjacent to the Planning Department. EIRs processed through the state review process handled by the State Clearinghouse, shall be accompanied by the cover form required by the Clearinghouse and will serve as the Notice of Completion. In this case, no Notice of Completion need be sent to the Resources Agency. If a Draft EIR is found to be not adequate, the Planning Commission shall specify the nature of the deficiencies in the document and direct the Planning Director to return it to the preparer for the needed revisions.

D. Review of EIR.

1. Consultation. After the Draft EIR is completed and approved for distribution by the Planning Commission, the Planning Director shall consult with and obtain comments from all Responsible Agencies and public agencies having jurisdiction by law with respect to the project and may consult with persons having special expertise with respect to any environmental impact involved.

2. State Agencies Review. When appropriate pursuant to the State EIR Guidelines Sections 15161.5 and 15161.6, an appropriate number of copies of the Draft EIR shall be sent to the State Clearinghouse for review and comment. This will be accomplished according to Clearinghouse procedures. In addition, those state agencies that are known to be involved may be contacted directly to expedite a timely response.
3. Regional Agency Review. A Draft EIR prepared for any project of statewide, regional or areawide significance shall be forwarded to the Comprehensive Regional Planning Agency for review. The criteria in Section 15161.6 of the State EIR Guidelines shall be followed in making such a determination of significance.
4. Other Public Agency Review. The Planning Director shall prepare and maintain a list of other governmental agencies and organizations which may be consulted depending upon the nature and scope of the Draft EIR.
5. Review by General Public. Public participation in the preparation of EIRs is encouraged in order to properly receive and evaluate public reactions, adverse and favorable, based on environmental issues. Upon completion of a Draft EIR, the Responsible Department shall provide a reasonable opportunity for members of the general public to comment upon such EIR and the environmental impact of the proposed public or private project, in accordance with the State EIR Guidelines Sections 15085 and 15160. He shall take into consideration the magnitude of the project, the level of public interest involved, the complexity of the environmental issues, the number of persons wishing to comment, and other relevant factors.
6. Public Notice. Public Notice of the completion of Draft EIRs for both public and private projects shall be given in accordance with State EIR Guidelines Section 15085 (d) (2) and (3). A copy of the Notice of Completion (of the Draft EIR) shall also be posted on a bulletin board adjacent to the Planning Department. Copies of the Draft EIR shall be made available at appropriate public libraries and shall also be available on a loan basis from the Planning Department.

- E. Transmittal of EIR to Planning Commission. After the review period has elapsed, the Planning Director shall transmit the completed Draft EIR and comments thereon to the Planning Commission for its consideration and appropriate action.
- F. Public Hearings. Public Hearings on the environmental documents may be conducted by the Planning Commission in conjunction with other proceedings of said body concerning the project or in a separate hearing. Such environmental hearing shall be held no sooner than 30 days following the posting of the Notice of Completion. If the State Clearinghouse establishes for its purposes a period of review greater than 30 days, such hearing may still be held after 30 days; however, no certification or recommendation for certification may be accomplished until the longer review period established by the State Clearinghouse has elapsed and any comments from the State have been received. An additional hearing(s) must be held for that purpose. Comments received at public hearing should also be submitted in a typed or neatly written form so as to insure their accurate transmittal to the person preparing the Final EIR.
- G. Response to Comments. All comments received on the Draft EIR shall be expeditiously forwarded to the person preparing the Final EIR for an appropriate response pursuant to the State Guidelines Section 15146.
- H. Certification Procedure.
1. General. All Final EIRs shall meet the requirements of the State EIR Guidelines Section 15146.
 2. Certifying Body. In those cases where the Planning Commission is the decision-making body for the project, said Commission shall be the certifying body for EIRs. In those cases where the Board of Supervisors is the decision-making body for the project, said Board shall be the certifying body for EIRs.
 3. Planning Commission Decision. When the Planning Commission acts as the certifying body and is satisfied, at time of hearing, that the Draft EIR plus the comments received and the responses thereto adequately fulfill

the intent and requirements of CEQA, the State EIR Guidelines and this procedure, the Commission shall certify the document and any attachments thereto as the Final EIR, pursuant to State EIR Guidelines Section 15085 (g). If the Board of Supervisors is the certifying body, the Commission shall forward a recommendation or certification of the EIR to the Board. If the Planning Commission is not satisfied that the Final EIR is adequate, the Commission may return it to the Responsible Department for revision and resubmittal to the Commission.

4. Board of Supervisors Action. When the Board of Supervisors is satisfied that an EIR recommended for certification is adequate, the Board shall certify the document and any attachments thereto as the Final EIR, pursuant to State EIR Guidelines Section 15085 (g). If the Board is not satisfied that the Final EIR is adequate as recommended by the Commission, the Board may return it to the Responsible Department for revision and resubmittal to the Board.

I. Project Approval. No action to approve or recommend approval of a project shall be taken until information contained in the certified EIR has been reviewed and considered by the appropriate body. If the decision-making body decides to approve a project for which significant adverse environmental effects have been identified in an EIR, said body may do so, provided that it complies with the provisions of State EIR Guidelines Sections 15088 and 15089.

J. Retention and Availability of EIRs. A copy of the final certified EIR shall be made part of the permanent record of the case and shall be available for public inspection.

VII. ISSUANCE OF NEGATIVE DECLARATION

A. General. A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the Environmental Review Committee finds will not, in the particular case, have a significant effect on the environment. Negative Declarations shall be prepared and processed in accordance with the State EIR Guidelines Sections 15083, 15161.5 and 15161.6. A Negative Declaration for a private project shall be completed and adopted within 105 days of the date of acceptance of the project application as complete, unless the conditions specified in State EIR Guidelines Section 15054.2 (b)(4) exist.

B. Procedure.

1. Preparation. Upon receiving notification of the Committee's determination that the preparation of a Negative Declaration is appropriate for a proposed project, the Planning Director or Responsible Department shall prepare same. Responsible Departments may consult with the Planning Department during preparation of the draft Negative Declaration to ensure that State EIR Guidelines Section 15083 is complied with.
2. Processing. Upon completion of the draft Negative Declaration, the Planning Director shall provide Public Notice as specified in State EIR Guidelines Section 15083 (d) and shall post a copy of the document on a bulletin board adjacent to the Planning Department. If a state agency is recognized as a Responsible Agency or otherwise has jurisdiction by law with respect to the project, the Negative Declaration shall be submitted to the State Clearinghouse for review by State agencies. Other Responsible Agencies shall be consulted in accordance with State EIR Guidelines Section 15083 (b). Upon termination of the public review period, or upon notification by the State Clearinghouse that the state review process is complete, whichever occurs later, comments on the draft document shall be responded to by the Planning Director or Responsible Department. These comments and responses shall be incorporated into the document.
3. Adoption. Negative Declarations for both public and private projects shall be considered and adopted by the decision-making body prior to any action to approve the project or entitlement for which the document was prepared. In those cases when the Planning Commission or another County agency is required to make a recommendation on a project to the Board of Supervisors, such body shall also make a recommendation as to adoption of the Negative Declaration.

VIII. NOTICE OF DETERMINATION

- A. General. A Notice of Determination shall be issued upon approval of a project for which a Negative Declaration or an EIR has been prepared.

- B. Procedure. After a County permit or entitlement has been granted for a private project, or a public project has been approved by the decision-making body, the Planning Director shall prepare a Notice of Determination. Such notice shall be prepared and processed in accordance with State EIR Guidelines Sections 15083 (f) and 15085 (h). A copy of the notice shall also be posted on a bulletin board adjacent to the Planning Department.

IX. APPEAL PROCEDURES

- A. General. Any person aggrieved or affected by any determination made pursuant to this procedure may appeal such determination according to the following procedure.
- B. Procedure.
1. Appeal of Planning Director, Responsible Department or ERC Action. Such appeals shall be considered by the Planning Commission. The aggrieved or affected party shall file a written letter of appeal with the Planning Commission Secretary within fifteen (15) days after the issuance of the decision to be appealed. The letter shall state the reason for the appeal and should include supporting information. The appeal shall be considered by the Planning Commission at its next regularly scheduled meeting for which the agenda is not closed.
 2. Appeal of Planning Commission Action. Such appeals shall be considered by the Board of Supervisors. The aggrieved party shall file a written letter of appeal with the Clerk to the Board of Supervisors within ten (10) days after the issuance of the decision to be appealed. The letter shall state the reason for the appeal and should include supporting information. The appeal shall be considered and acted upon by the Board of Supervisors at a date and time established by the Board.
- C. Planning Commission or Board of Supervisors Motion. The Planning Commission or Board of Supervisors may, on its own motion, review and affirm, modify or reverse a determination of the Environmental Review Committee, the Planning Director or a Responsible Department as to whether a proposed project may have a significant environmental impact. Any action to initiate review of such determinations shall be taken within thirty (30) days of such determination. If no review action is initiated, such determination shall be final.

X. EXEMPTIONS

- A. Projects Denied. CEQA and these guidelines do not apply to projects which County agency rejects or disapproves.
- B. Ministerial Projects. The following items are deemed to be Ministerial Projects as defined in the State EIR Guidelines Section 15032 and are, therefore, exempt from CEQA, the State EIR Guidelines and this procedure.
1. Issuance of occupancy permits.
 2. Issuance of business licenses.
 3. Approval of final maps and parcel maps.
 4. Approval of individual utility service connections and disconnections.
 5. Recordation of approved final maps or parcel maps.
- C. Categorical Exemptions.
1. Incorporated by Reference. The categorical exemptions set forth in the State EIR Guidelines, Article 8, Sections 15101-15124 are hereby adopted and incorporated by reference into this procedure.
 2. Exception Due to Location. A project included in subparagraph 1 above shall not be considered categorically exempt in the event that the project impacts on an environmental resource or hazard of critical concern which is so designated, precisely mapped and officially adopted pursuant to law by federal, state or local agencies.
 3. Exception Due to Cumulative Impact. All Class exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- D. Emergency Projects. The following emergency projects are exempt from the requirements of CEQA, the State EIR Guidelines and this procedure.
1. Projects undertaken, carried out or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1, Title 2 of the Government Code.

2. Emergency repairs to public service facilities to maintain service.
3. Specific actions necessary to prevent or mitigate an emergency.

XI. REVIEW OF ENVIRONMENTAL DOCUMENTS PREPARED BY AGENCIES OTHER THAN THOSE OF SOLANO COUNTY.

Each County agency shall make a good faith attempt to review, and comment upon, if necessary, all environmental documents received by it, pursuant to State EIR Guidelines Section 15161. A copy of any comments made shall be provided to the Planning Department. If the County is required to act as a Responsible Agency pursuant to CEQA, the appropriate County agencies shall respond to consultation as set forth in State EIR Guidelines Sections 15054.3, 15066 and 15085.5.

XII. FEES.

- A. Preparation of Environmental Documents. In cases where the preparation of an environmental document is required fees shall be charged and collected from persons proposing private projects in amounts sufficient to recover the actual costs to Solano County in preparing such documents.
- B. Processing of EIRs. A fee shall be charged and collected in amounts sufficient to recover the actual costs of processing and reviewing EIRs. A minimum fee of two hundred-fifty dollars (\$250.00) shall be charged for the review of an Environmental Impact Report (EIR) by the County agency which, pursuant to the California Environmental Quality Act required the said EIR, plus any additional cost incurred over two hundred-fifty dollars. The fee in excess of two hundred-fifty dollars shall be computed on the following schedule:

<u>Staff Personnel</u>	<u>Cost of Time</u>
Professional	\$20.00 per hour.
Sub-Professional	10.00 per hour

The said fee is to be paid by the applicant or initiator of the project for which an EIR is required as follows:

1. Two hundred-fifty dollars (\$250.00) prior to circulation of the EIR pursuant to CEQA.
2. The balance, if any, within 15 days of billing, but prior to certification of the Final EIR pursuant to CEQA.

- C. Processing of Negative Declaration. The fees charged for the preparation and processing of Negative Declarations shall be as follows:
1. Seventy-five dollars (\$75.00) for Negative Declarations not processed through the State Clearinghouse.
 2. One hundred-fifty dollars (\$150.00) for Negative Declarations processed through the State Clearinghouse.
- D. Reproduction of Documents. Members of the general public shall be charged for the actual costs of reproducing EIRs and other environmental documents and public records for their personal use.
- E. Sales of EIRs. A reasonable fee may be established and charged for the sale of EIRs to the general public. Such fee may not exceed the printing cost of the document.

SECTION II

State Guidelines for Implementation of the California Environmental Quality Act

Regulations in California Administrative Code Title 14, Division 6 Section 15000 et Seq.

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CHAPTER 3.
GUIDELINES FOR IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

ARTICLE 1. General

15000. Authority. The regulations contained herein are prescribed by the Secretary for Resources pursuant to authority granted in Public Resources Code Section 21083 to be followed by all State agencies, boards, and commissions, all counties, cities and counties, cities including charter cities, regional agencies, public districts, redevelopment agencies, and all other political subdivisions of the State in the implementation of the Environmental Quality Act of 1970 dealing with environmental quality, the evaluation of projects, and the preparation and evaluation of environmental impact reports. These Guidelines have been developed by the Office of Planning and Research for adoption by the Secretary for Resources in accordance with Section 21083. Additional information may be obtained by writing:

Secretary for Resources
Room 1311, 1416 Ninth Street
Sacramento, California 95814

15001. Short Title. These Guidelines may be cited as "State EIR Guidelines."

ARTICLE 2. Purpose

15005. Purpose. The purpose of these Guidelines is to provide public agencies with principles, objectives, criteria, and definitions of statewide application to be used in the implementation of the Environmental Quality Act of 1970, Public Resources Code Sections 21000 et seq.

These Guidelines are binding on all public agencies.

ARTICLE 3. Policy

15010. Legislative Declaration. The legislature has declared that:

- (a) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.
- (b) It is the intent of the legislature that all agencies of the State government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage.

15011. State Policy. The Legislature has declared that it is the policy of the State to:

- (a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the State.
- (b) Take all action necessary to provide the people of this State with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
- (c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.
- (d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.
- (e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.
- (f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

- (g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

15011.5 Additional Policies. The courts of this State have found the following policies to be implicit in CEQA:

- (a) The EIR requirement is the heart of CEQA. (County of Inyo v. Yorty, 32 Cal. App. 3d 795.)
- (b) The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected. (County of Inyo v. Yorty, 32 Cal. App. 3d 795.)
- (c) The EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project. (No. Oil Inc. v. City of Los Angeles, 13 C. 3d 68.)
- (d) The EIR is to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action. (People ex rel. Department of Public Works v. Bosio, 47 Cal. App. 3d 495.)
- (e) The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should a majority of the voters disagree. (People v. County of Kern, 39 Cal. App. 3d 830.)
- (f) CEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (Friends of Mammoth vs. Board of Supervisors, 8 C. 3d 247.)

15011.6 State Policies regarding use of Environmental Impact Reports. The Legislature has declared that the following policies shall apply to the use of environmental impact reports:

- (a) The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which such significant effects can be mitigated or avoided.

- (b) Each public agency shall mitigate or avoid the significant effects on the environment of projects it approves or carries out to the extent it is feasible to do so.
- (c) In the event that economic, social, technical, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, such project may nonetheless be approved or carried out at the discretion of a public agency, provided that the project is otherwise permissible under applicable laws and regulations.
- (d) Environmental impact reports should omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.
- (e) Information developed in individual environmental impact reports should be incorporated into a data base which can be used to reduce delay and duplication in preparation of subsequent environmental impact reports.
- (f) The EIR process is intended to enable public agencies in evaluating projects to determine whether a project may have a significant effect on the environment, to examine and institute methods of reducing adverse impacts, and to consider alternatives to a project as proposed. These steps of analysis and evaluation must be completed prior to approval of the project.

15012. Informational Document.

- (a) An Environmental Impact Report is an informational document which, when fully prepared in accordance with CEQA and these Guidelines, will inform public decision-makers and the general public of the environmental effects of projects they proposed to carry out or approve. The information in an EIR constitutes evidence that a public agency shall consider along with any other information which may be presented to the agency. While CEQA requires that major consideration be given to preventing environmental damage, it is recognized that public agencies have obligations to balance other public objectives, including economic and social factors in determining whether and how a project should be approved.

- (b) Economic information may be included in an EIR or may be presented in whatever form the agency desires.

15013. Time of preparation.

- (a) Environmental documents are useful planning tools to enable environmental constraints and opportunities to be considered before project plans are finalized.
- (b) Environmental documents should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design.
 - (1) With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design and planning.
 - (2) With private projects, the Lead Agency shall encourage the project proponent to incorporate environmental considerations into project conceptualization, design and planning at the earliest feasible time.
- (c) The environmental document preparation and review should be coordinated in a timely fashion with the existing planning, review and project approval processes being used by each public agency. When the Lead Agency is a State agency, the environmental document shall be included as part of the regular report which is used in its existing review and budgetary process.

15013.5 Concurrent Processing. Public agencies should integrate the requirements of CEQA with planning and environmental review procedures otherwise required by law or by administrative practice so that all such procedures, to the maximum feasible extent, run concurrently, rather than consecutively.

15014. Applicability.

- (a) These Guidelines have only general application to the diversity of projects undertaken or approved by public agencies. They provide basic principles, objectives, criteria and definitions which individual public agencies shall adapt for internal use, interpreting these Guidelines in terms of specific projects.

- (b) Until April 1, 1975, the objectives, criteria, and procedures adopted by public agencies in compliance with CEQA and these Guidelines may continue to govern the evaluation of projects and the preparation of environmental documents without being brought into conformity with the amendments to these Guidelines adopted by the Secretary for Resources in December, 1974. However, the amendment to Section 15143 (c) dealing with mitigation measures, must be complied with effective January 7, 1975, the procedures being used by a public agency.

15015. Terminology. The following words are used to indicate whether a particular subject in the Guidelines is mandatory, advisory, or permissive:

- (a) "Must" or "shall" identifies a mandatory element which all public agencies are required to follow.
- (b) "Should" identifies guidance provided by the Secretary for Resources based on policy considerations contained in CEQA, in the legislative history of the statute, or in federal court decisions which California Courts can be expected to follow. Public agencies are advised to follow this guidance in the absence of compelling, countervailing considerations.
- (c) "May" identifies a permissive element which is left fully to the discretion of the public agencies involved.

ARTICLE 4. Definitions

15020. General. Whenever the following words are used in these Guidelines, unless otherwise defined, they shall have the meaning ascribed to them in this article. These definitions are intended to clarify but not to replace or negate the definitions used in CEQA.
- 15020.5 Applicant. Applicant means a person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement to use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance.
- 15021 Approval. Approval means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.
- In connection with private activities, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.
15022. CEQA - California Environmental Quality Act. California Environmental Quality Act (CEQA) means California Public Resources Code Sections 21000 et seq.
15023. Categorical Exemption. Categorical Exemption means an exception from the requirements of CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.
- 15023.5 Cumulative Impacts. Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects.
- 15023.7 Decision-making Body. "Decision-making body" means any person or group of people within a public agency permitted by law to approve or disapprove the project at issue.

15024. Discretionary Project. Discretionary project means an activity which requires the exercise of judgment, deliberation, or decision on the part of the public agency or body in the process of approving or disapproving a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Section 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act. (Section 21065 (c).)
15025. Emergency. Emergency means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.
15026. Environment. Environment means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water minerals, flora, fauna, ambient noise, objects of historic or aesthetic significance.
- 15026.5 Environmental Documents. Environmental documents means Draft and Final EIRs, Initial Studies, Negative Declarations, Notices of Completion, and Notices of Determination.
15027. EIR - Environmental Impact Report. Environmental Impact Report (EIR) means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act, and may mean either a Draft or a Final EIR.
- (a) Draft EIR means an EIR containing the information specified in Sections 15141, 15142, and 15143 of these Guidelines. Where a Lead Agency consults with Responsible Agencies in the preparation of a draft EIR, the draft EIR shall also contain the information specified in Section 15144.
 - (b) Final EIR means an EIR containing the information contained in the Draft EIR, comments either verbatim or in summary received in the review process, and the response of the Lead Agency to the comments received. The final EIR is discussed in detail in Section 15146.

15028. EIS - Environmental Impact Statement. Environmental Impact Statement (EIS) means an environmental impact document prepared pursuant to the National Environmental Policy Act (NEPA). The Federal Government uses the term EIS in the place of the term EIR which is used in CEQA.
15029. Feasible. Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- 15029.5 Initial Study. Initial study means a preliminary analysis prepared by the Lead Agency pursuant to Section 15080 to determine whether an EIR or a Negative Declaration must be prepared.
- 15029.6 Jurisdiction by Law.
- (a) Jurisdiction by law means the authority of any public agency:
 - (1) to grant a permit or other entitlement for use,
 - (2) to provide funding for the project in question, or
 - (3) to exercise authority over resources which may be affected by the project.
 - (b) A city or county will have jurisdiction by law with respect to a project when the city or county having primary jurisdiction over the area involved is the site of the project, the area in which the major environmental effects will occur, and/or the area in which reside those citizens most directly concerned by any such environmental effects.
 - (c) Where an agency having jurisdiction by law must exercise discretionary authority over a project in order for the project to proceed, it is also a responsible agency, see Section 15039, or the Lead Agency, see Section 15030.
15030. Lead Agency. Lead Agency means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will prepare the environmental documents for the project either directly or by contract. Criteria for determining which agency will be the Lead Agency for a project are contained in Section 15065.

15031. Local Agency. Local agency means any public agency other than a state agency, board or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, school districts, special districts, redevelopment agencies, local agency formation commissions and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.
15032. Ministerial Projects. Ministerial projects as a general rule include those activities defined as projects which are undertaken or approved by a governmental decision which a public officer or public agency makes upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority. With these projects, the officer or agency must act upon the given facts without regard to his own judgment or opinion concerning the propriety or wisdom of the act although the statute, ordinance, or regulation may require, in some degree, a construction of its language by the officer. In summary, a ministerial decision involves only the use of fixed standards or objective measurements without personal judgment.
15033. Negative Declaration. Negative Declaration means a written statement by the Lead Agency briefly describing the reasons that a proposed project, although not otherwise exempt, will not have a significant effect on the environment and therefore does not require the preparation of an EIR.
15034. Notice of Completion. Notice of Completion means a brief notice filed with the Secretary for Resources by a lead agency as soon as it has completed a draft EIR and is prepared to send out copies for review. The contents of this notice are explained in Section 15085 (c). A copy of this notice appears in Appendix C.
15035. Notice of Determination. Notice of Determination means a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA. The contents of this notice are explained in Sections 15083 (d) and 15085 (h). A copy of this notice appears in Appendix D.
- 15035.5 Notice of Exemption. Notice of exemption means a brief notice which may be filed by a public agency when it has approved or determined to carry out a project, and it has determined that it is ministerial, categorically

exempt or an emergency project. Such a notice may also be filed by an applicant where such a determination has been made by a public agency, which must approve the project. The contents of this notice are explained in Section 15074 (a) and (b). A copy of this notice appears in Appendix E.

- 15035.7 Notice of Preparation. Notice of Preparation means a brief notice sent by a Lead Agency to notify the Responsible Agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from the Responsible Agencies as to the scope and content of the environmental information to be included in the EIR. A sample form is included as Appendix J to these Guidelines. Public Agencies are free to develop their own formats for this notice.
15036. Person. Person includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the State, and any of the agencies's political subdivisions of such entities.
15037. Project.
- (a) Project means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:
 - (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or Elements thereof pursuant to Government Code Sections 65100-65700.
 - (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
 - (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

(b) Project does not include:

- (1) Anything specifically exempted by State law.
- (2) Proposals for legislation to be enacted by the State Legislature other than requests by State agencies for authorization or funding for projects independently from the Budget Act.
- (3) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above), feasibility or planning studies.
- (4) The submittal of proposals to a vote of the people of the State or of a particular community.

(c) The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

15038. Public Agency. Public agency includes any State agency, board or commission and any local or regional agency, as defined in these Guidelines. It does not include the Courts of the State. This term does not include agencies of the Federal government.

15039. Responsible Agency. Responsible agency means a public agency which proposes to carry out or approve a project for which a Lead Agency has prepared the environmental documents. For the purposes of CEQA, the term "responsible agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

15040. Significant Effect on the Environment. Significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

ARTICLE 5. General Responsibilities

15050. Public Agency Implementation.

- (a) Each public agency is responsible for complying with CEQA and its own procedures consistent with these Guidelines.
- (b) Where a public agency is a Lead Agency and prepares an EIR itself, contracts for the preparation or accepts data and information in the form of a draft EIR from an applicant, the public agency is responsible entirely for the adequacy and objectivity of the EIR.
- (c) Public agencies shall adopt objectives, criteria, and specific procedures consistent with CEQA and these Guidelines for the orderly evaluation of projects and the preparation of environmental documents. These implementing procedures should contain at least the following provisions:
 - (1) Procedures for identifying the activities that are exempt from CEQA. These procedures should contain:
 - (A) Provisions for evaluating a proposed activity to determine if there is no possibility that the activity may have a significant effect on the environment.
 - (B) A list of projects over which the public agency has only ministerial authority.
 - (C) A list of specific activities which the public agency has found to be categorically exempt pursuant to Section 15100.4.
 - (2) Procedures for the conduct of initial studies.
 - (3) Provisions for the preparation of Negative Declarations.
 - (4) Provisions for the preparation of EIR's.
 - (5) Provisions for consulting with and obtaining comments from other public agencies and members of the public with regard to the environmental effects of the projects.
 - (6) Provisions assuring adequate opportunities and time for the public to review and comment on the Draft EIR or Negative Declaration.

- (7) Provisions for evaluating and responding to comments received on environmental documents.
 - (8) Provisions for the review and consideration of environmental documents by the person or decision-making body who will approve or disapprove a project.
 - (9) Provisions for filing documents required or authorized by CEQA and these Guidelines.
 - (10) Provisions to ensure that Lead Agencies obtain adequate comments on environmental documents which they submit to the public agency for review.
 - (11) The assignment of responsibility for specific functions to specific units of the public agency.
 - (12) Time periods for performing functions under CEQA as described in Section 15054.2.
- (d) Any district, including a school district, need not adopt objectives, criteria and procedures of its own if it uses the objectives, criteria and procedures of another public agency whose boundaries are coterminous with the district. Any public agency may adopt the objectives, criteria, and procedures of another public agency whose boundaries are coterminous with or entirely encompass its own.
- (e) Public agencies should revise their implementing procedures to conform to amendments to these Guidelines within 60 days after the effective date of the amendments. During the period while the public agency is revising its procedures, the agency must conform to any statutory changes in the California Environmental Quality Act that have become effective regardless of whether the local agency has revised its formally adopted procedures to conform to the statutory changes.

15051. Office of Planning and Research (OPR).

- (a) OPR is responsible for the preparation and development of principles, objectives, criteria and definitions to implement CEQA, prior to adoption

by the Secretary for Resources. OPR also, as part of guideline development, shall consider proposals for Categorical Exemption and makes appropriate recommendations to the Secretary for Resources. OPR shall be responsible for resolving disputes over Lead Agency designation.

- (b) The State Clearinghouse in the Office of Planning and Research is responsible for distributing environmental documents to State agencies, departments, boards and commissions for review and comment.
- (c) Upon request of a Lead Agency or a project applicant, OPR shall provide assistance in determining the various Responsible Agencies and any Federal agencies which have responsibility for carrying out or approving a proposed project.
- (d) OPR has responsibility for ensuring that State Responsible Agencies provide the necessary information to Lead Agencies in response to Notices of Preparation within the 45 day period as specified in Section 15066 (d).
- (e) OPR will resolve disputes as to which agency is the Lead Agency for a project as described in Section 15065.5

15052. The Secretary for Resources. The Guidelines shall be officially adopted by the Secretary for Resources, including a finding that each class of project given a Categorical Exemption will not have a significant effect on the environment. The Secretary also has the responsibility for consolidating all State comments on federally sponsored projects. The Secretary for Resources may issue amendments to these Guidelines.

15053. Fees.

- (a) All Lead Agencies preparing EIR's or Negative Declarations for projects to be carried out by any person other than the Lead Agency itself may charge and collect a reasonable fee from such person or entity, in order to recover the estimated costs incurred in preparing the EIR or Negative Declaration.

- (b) Public agencies may charge and collect a reasonable fee from members of the public for a copy of an environmental document not to exceed the actual cost of reproducing a copy.

15054. Timely Compliance. Public agencies should carry out their responsibilities for preparing and reviewing EIR's within a reasonable period of time. The requirements for the preparation of an EIR should not cause undue delays in the processing of applications for permits or other entitlements to use.

15054.1 Projects received for Filing. Where the following conditions occur, a public agency may deem an application for a project not received for filing until such time as the environmental documentation required by CEQA has been completed:

- (a) The enabling legislation for a program requires the public agency or an officer, (such as the Director of Forestry) to take action on an application within a specified period of time of 60 days or less, and
- (b) The enabling legislation provides that the project will become approved by operation of law if the agency or officer fails to take any action within such specified time period, and
- (c) The project involves the issuance of a lease, permit, license, certificate, or other entitlement for use.

15054.2 Lead Agency CEQA Time Limits.

- (a) Each public agency shall include in its implementing procedures time periods for performing the functions described in this section.
- (b) When the public agency is acting as a Lead Agency for a project for which the agency will grant a lease, license, permit, certificate, or other entitlement for use, the agency shall complete and certify an EIR in not more than one year or complete and adopt a Negative Declaration in not more than 105 days.
 - (1) Different time limits may be established for different types of projects subject to the 105 day and 1 year maximum time limits.

- (2) The time limits shall be measured from the date on which an application requesting approval for the project is received and accepted as complete by the agency.
 - (A) State agencies are required to adopt lists and criteria by which to determine the completeness of an application. (Government Code Section 65940 and 65941).
 - (B) Local agencies may adopt lists and criteria by which to determine the completeness of applications. Different lists and criteria may be developed for different kinds of projects.
- (3) The procedures may provide for a reasonable extension of the time periods under this subsection in the event that compelling circumstances justify additional time and the project applicant consents to the extension.
- (4) The Lead Agency may waive the one year time period or the 105 day period if all the following conditions occur:
 - (A) The project will require both an EIR or a Negative Declaration and an EIS or a Negative Declaration under the National Environmental Policy Act,
 - (B) Additional time will be required to prepare a combined EIR-EIS, or a combined Negative Declaration under both laws,
 - (C) The time required to prepare such a combined document would be less than the time required to prepare each document separately, and
 - (D) The applicant has requested or consented to the waiver.
- (5) If the Lead Agency waives the time periods as provided in subsection (4), the Lead Agency must approve or disapprove the project within 60 days after the combined document under CEQA and NEPA has been completed. (Government Code Section 65951).

- (c) Within 45 days after accepting an application as complete, a Lead Agency, for a project involving the issuance of a lease, permit, license, certificate, or other entitlement for use, shall make an initial determination of whether the project will need an EIR or a Negative Declaration.
- (d) A Lead Agency shall convene a meeting with one or more Responsible Agencies to discuss the scope and content of a proposed EIR as soon as possible but not later than 30 days after the meeting is requested as provided in Section 15066 (e).

15054.3 Responsible Agency CEQA Time Limits.

- (a) As soon as possible after receiving a Notice of Preparation and in no event more than 45 days after receiving the notice, a Responsible Agency shall inform the Lead Agency of the scope and content of the environmental information that the Responsible Agency would need in the EIR.

15055. Delegation of Responsibilities.

- (a) A public agency may assign specific functions to its staff to assist in administering CEQA. Functions which may be delegated include but are not limited to:
 - (1) Determination of whether a project is exempt.
 - (2) Conduct of an initial study.
 - (3) Preparation of a Negative Declaration or EIR.
 - (4) Preparation of responses to public comments.
 - (5) Certification that the decision-making body has reviewed and considered an EIR or Negative Declaration.
 - (6) Filing of Notices.
- (b) The decision-making body of a public agency may not delegate the following functions:
 - (1) Review and consideration of a final EIR or Negative Declaration prior to approving a project.
 - (2) The making of findings as required by Section 15088 and 15089.

- (c) Where an advisory body such as a planning commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the EIR or Negative Declaration.

ARTICLE 6. Application of the Act to Projects

15060. General Rule. The requirements set forth in these Guidelines apply to projects which may have a significant effect on the environment and which involve discretionary governmental action. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA, and these Guidelines concerning the evaluation of projects and the preparation and review of environmental documents do not apply.
15061. Projects Controlled by State or Local Agencies.
- (a) When a public agency plans to carry out or approve a project which is subject to CEQA, which may have a significant effect on the environment, the EIR or Negative Declaration for the project shall be prepared directly by, or under contract to, a public agency.
 - (b) Where a project which is subject to CEQA is to be carried out by a non-governmental person subject to approval, financial support, or some other involvement by a public agency, the EIR or Negative Declaration shall be prepared directly by, or under contract to, the Lead Agency. However, the Lead Agency may require the person to supply data and information, both to determine whether the project may have a significant effect on the environment, and to assist in the preparation of an EIR or Negative Declaration by the Lead Agency. This information may be submitted in the form of a draft EIR if the Lead agency desires. If information is provided in the form of a draft EIR or Negative Declaration, the Lead Agency may not use the document as its own without independent evaluation and analysis. The draft EIR or Negative Declaration which is sent out for public review must reflect the independent judgment of the Lead Agency. The Lead Agency should require an applicant to specify to the best of his knowledge which other public agencies will have jurisdiction by law over the project.
 - (c) Where the project is to be undertaken by a local agency, as defined in these Guidelines, but requires State approval or financial assistance, the State agency shall require the local agency to prepare the EIR or Negative Declaration, to be submitted with the request for approval of the proposed project. This must also be done where federal funds

are involved, but only if a State agency has discretionary authority over the use of those funds. If the local project has been mandated on the local agency by a State agency, the EIR prepared by the local agency may be limited to consideration of those factors and alternatives which do not conflict with the order.

- (d) The EIR may be prepared as a separate document, or as part of a project report. If prepared as a part of the project report, it must still contain in one separate and distinguishable section, the elements required of an EIR, including the seven elements specified in Section 15143 of these Guidelines.
- (e) All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.
- (f) All of the above is subject to the Lead Agency principle which provides that not more than one EIR shall be prepared in connection with the same underlying activity and that the EIR shall be prepared by the Lead Agency.
- (g) Any person may submit information to the Lead Agency to assist in the preparation of an EIR or Negative Declaration. Such information may be submitted in any format and may be included in whole or in part in any such EIR or Negative Declaration if the Lead Agency subjects the information to its own independent evaluation and analysis.

Section 15062 is repealed.

15063. Federal Projects.

- (a) When a State agency officially comments on a proposed Federal project which may have a significant effect on the environment, the comments shall include a discussion of the material specified in Section 15143.
- (b) When an EIR is required by CEQA and a Federal EIS has been or will be prepared for the same project, all or any part of the EIS may be used as all or any part of the EIR; provided, however, that the EIS or part used shall comply with these Guidelines.

In cases where a Federal EIS is used, discussion of mitigation measures, growth-inducing impact, and energy conservation will have to be added or supplemented if the EIS does not include an adequate discussion of these elements.

- (c) When a project requires both an EIR and an EIS, the Lead Agency shall whenever possible, use the EIS as the EIR as provided in subsection (b).
- (d) If a Lead Agency finds that an EIS for a project would not be prepared by the Federal Agency by the time when the Lead Agency will need to consider an EIR, the Lead Agency should try to prepare a combined EIR-EIS. To avoid the need for the Federal agency to prepare a separate document for the same project, the Lead Agency must involve the Federal agency in the preparation of the EIR-EIS. This involvement is necessary because Federal law generally prohibits a Federal agency from using an EIR prepared by a State or Local agency unless the Federal agency was involved in the preparation of the document.
- (e) When it plans to use an EIS or prepare a joint EIR-EIS, the Lead Agency shall consult as soon as possible with the agency that would prepare the EIS.
- (f) Where a project will be subject to both CEQA and the National Environmental Policy Act, the one year time limit and the 105 day time limit may be waived pursuant to Section 15054.2
- (g) Where the Federal agency circulated the EIS for public review as broadly as State or Local law may require and gave notice meeting the standards in Section 15985 (d), the Lead agency under CEQA need not recirculate the EIS for public review. One review and comment period is enough. The Lead agency shall give notice that it will use the EIS in the place of an EIR and that it believes that the EIS meets the requirements of CEQA.

15064. Lead Agency Principle.

- (a) Where a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparation of environmental documents, and it will be the Lead Agency. Such environmental documents will be prepared by the Lead Agency in consultation with all Responsible Agencies.

- (b) The Lead Agency's environmental documents shall be the environmental documentation for all Responsible Agencies. Except as provided in Section 15069.5 (c), such Responsible Agencies shall consider the Lead Agency's EIR or Negative Declaration prior to acting upon or approving the projects, and they shall certify that their decision-making bodies have reviewed and considered the information contained in them.
- (c) The determination of the Lead Agency of whether to prepare an environmental impact report or a Negative Declaration shall be final and conclusive on all persons, including Responsible Agencies, as provided by Section 21080.1 of the Public Resources Code, unless:
 - (1) The decision is challenged as provided in Section 21167 of the Public Resources Code, or
 - (2) Circumstances change as provided in Section 15067.
- (d) Where a decision-making body has power to make a final decision on a project subject to appeal to another body, the decision-making body shall review and consider the EIR. The appeal body shall also review and consider the EIR before deciding an appeal from a decision on the project.

15065. Lead Agency Criteria.

- (a) If the project is to be carried out by a public agency, the Lead Agency shall be the public agency which proposes to carry out the project.
- (b) If the project is to be carried out by a non-governmental person, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.
 - (1) The Lead Agency will generally be the agency with general governmental powers rather than an agency with a single or limited purpose which is involved by reason of the need to provide a public service or public utility to the project; in such cases, the single or limited purpose agency will, upon request, provide data concerning all aspects of its activities required to furnish service to the project to the agency drafting the EIR, and no separate EIR will be required in regard to such activities.

- (2) Where a city has rezoned an area, the city will be the appropriate Lead Agency for any subsequent annexation of the area and should prepare the required environmental document at the time of the rezoning. The city shall consult with the Local Agency Formation Commission, and the EIR shall include the comments of the Local Agency Formation Commission.
- (c) Where more than one public agency equally meet the criteria set forth in paragraph (b) above, the agency which is to act first on the project in question shall be the Lead Agency (following the principle that the environmental impact should be assessed as early as possible in governmental planning).
- (d) Where the provisions of subsections (a), (b), and (c) leave two or more public agencies with a substantial claim to be the Lead Agency, the public agencies may by agreement designate which agency will be the Lead Agency. An agreement may also provide for cooperative efforts by two or more agencies, joint exercise of powers, or similar devices.

Section (e) is repealed.

15065.3 Shift in Lead Agency Responsibilities.

- (a) Where a Responsible Agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the Responsible Agency shall begin to act as the Lead Agency when any of the following conditions occur:
 - (1) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
 - (2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:
 - (A) A subsequent EIR is required pursuant to Section 15067,
 - (B) The Lead Agency has granted a final approval for the project, and

(C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.

(3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Section 15066 and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(b) When a Responsible Agency assumes the duties of a Lead Agency under this section, the time limits applicable to a Lead Agency shall apply to the actions of the agency.

15065.5 Designation of Lead Agency by Office of Planning and Research.

(a) In the event that the designation of a Lead Agency is in dispute, the following criteria shall apply:

(1) Public agencies should consult with each other in an effort to resolve the dispute prior to submitting it to OPR.

(2) If an agreement cannot be reached, any public agency, or in the case of a project described in subdivision (c) of Section 21065 of the Public Resources Code, the applicant for such project may submit the dispute to the OPR for resolution.

(b) OPR shall designate a Lead Agency within 21 days after receiving a completed request to resolve a dispute from any public agency or from the applicant pursuant to subsection (a) (2).

(c) Regulations adopted by OPR for resolving Lead Agency disputes may include the following:

(1) Submission of written statements to OPR and other disputing public agencies;

(2) Certification by OPR that a Lead Agency dispute exists;

(3) Publication of notice that a dispute has been submitted to OPR;

(4) Determination of the dispute on the basis of written statements or by a hearing.

- (d) Designation of a Lead Agency by OPR shall be based on consideration of the criteria in Section 15065 as well as the capacity of the agency to adequately fulfill the requirements of CEQA.

15066. Consultation.

- (a) When more than one public agency will be involved in undertaking or approving a project, the Lead Agency shall consult with all Responsible Agencies (i.e., all the other public agencies involved in carrying out or approving the project) before completing a draft EIR or adopting a Negative Declaration. Consultation is designed to insure that the EIR or Negative Declaration will reflect the concerns of all Responsible Agencies which will issue approvals for the project.
- (b) Prior to determining whether a Negative Declaration or Environmental Impact Report is required for a project, the Lead Agency shall consult with all Responsible Agencies. This first step of consultation may be done quickly and informally.
- (c) Immediately after deciding that an Environmental Impact Report is required for a project, the Lead Agency shall send to each Responsible Agency by certified mail a Notice of Preparation stating that an environmental impact report will be prepared. The notice shall also be sent to every Federal agency involved in approving or funding the project.
 - (1) The Notice of Preparation shall provide the Responsible Agencies with sufficient information describing the project and the environmental effects to enable the Responsible Agencies to make a meaningful response. At a minimum, the information should include:
 - (A) Description of the project,
 - (B) Location of the project, and
 - (C) Probable environmental effects of the project.
 - (2) A sample format for a Notice of Preparation is shown in Appendix J. Public agencies are free to devise their own formats for this notice. A copy of the Initial Study may be sent with the notice to supply the necessary information.

- (3) The Lead Agency may begin work on the draft EIR immediately without awaiting responses to the Notice of Preparation. The draft EIR in preparation may need to be revised or expanded to conform to responses to the Notice of Preparation.
- (d) After receiving the Notice of Preparation under subparagraph (c), each Responsible Agency shall provide the Lead Agency with specific detail about the scope and content of the environmental information related to the Responsible Agency's area of statutory responsibility which must be included in the environmental impact report.
- (e) In order to expedite the consultation, the Lead Agency, a Responsible Agency, or a project applicant may request one or more meetings between representatives of the agencies involved to assist the Lead Agency in determining the scope and content of the environmental information which the Responsible Agency may require. Such meetings shall be convened by the Lead Agency as soon as possible, but no later than 30 days, after the meetings were requested.
- (f) After completing the draft EIR or Negative Declaration, the Lead Agency shall also consult with and seek to obtain comments from each Responsible Agency and other public agencies having jurisdiction by law and should consult with persons having special expertise as described in Sections 15083 and 15085.
- (g) When one or more State agencies will be a Responsible Agency, the Lead Agency shall send a Notice of Preparation by certified mail to each State Responsible Agency with a copy to the State Clearinghouse in the Office of Planning and Research. The State Clearinghouse will ensure that the State Responsible Agencies reply to the Lead Agency within the required time.

15067. Subsequent EIR.

- (a) Where an EIR or Negative Declaration has been prepared, no additional EIR need be prepared unless:
- (1) Subsequent changes are proposed in the project which will require major revisions of the EIR, due to the involvement of new environmental impacts not considered in a previous EIR on the project.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken, such as a substantial deterioration in the air quality where the project will be located, which will require major revisions in the EIR due to the involvement of new environmental impacts not covered in a previous EIR, or
- (3) New information of substantial importance to the project becomes available, and
 - (A) The information was not known and could not have been known at the time the EIR was certified as complete or the Negative Declaration was adopted, and
 - (B) The new information shows any of the following:
 - 1. The project will have one or more significant effects not discussed previously in the EIR,
 - 2. Significant effects previously examined will be more severe than shown in the EIR,
 - 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, or
 - 4. Mitigation measures or alternatives which were not previously considered in the EIR would substantially lessen one or more significant effects on the environment.
- (b) If the EIR or Negative Declaration has been completed but the project has not yet been approved, the Lead Agency shall prepare or cause to be prepared the subsequent EIR before approving the project.
- (c) If the project was approved prior to the occurrence of the conditions described in Subsection (a), the subsequent EIR shall be prepared by the public agency which grants the next discretionary approval for the project. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been completed.

15068. Use of a Single EIR. The Lead Agency may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of environmental impact. Further, the Lead Agency may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. Lead Agencies may elect to write EIR's in advance for entire programs or regulations, in order to be prepared for project applications to come. Whenever an agency chooses to utilize any of these alternatives, however, it must find that the environmental effects of the projects are similar enough to warrant the same treatment in an EIR and that the EIR will adequately cover the impacts of any single project. If these tests are not met, an agency should supplement the EIR it prepares for a program to apply it to an individual project.

15068.5 Use of a General Plan EIR With Subsequent Projects. The EIR on a general plan may be used as the foundation document for EIRs subsequently prepared for specific projects within the geographic area covered by the General Plan. The subsequent EIRs may reference and summarize material in the EIR on the General Plan for the description of the general environmental setting and as much of the description of the environmental impacts as applies to the specific project. Detailed information in the EIR on the specific project may be limited to a description of the project, the specific environmental setting and those impacts which are not adequately described for the specific project in the EIR on the General Plan. When a subsequent EIR refers to an EIR on the General Plan for part of its description of the environment and the environmental impacts, copies of the EIR on the General Plan shall be made available to the public in a number of locations in the community and to any Clearinghouses which will assist in public review of the EIR. The purpose of this section is not to restrict analysis of environmental issues but is to avoid the necessity for repeating detail from a General Plan EIR.

15069. Multiple and Phased Projects. Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

15069.5 Staged EIR.

- (a) Where a large capital project will require a number of discretionary approvals from governmental agencies and one of the approvals will occur more than two years before construction will begin, a staged EIR may be prepared covering the entire project in a general form. The staged EIR should evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the public agency for approval shall be discussed with a greater degree of specificity.
- (b) When a staged EIR has been prepared, a supplement to the EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.
- (c) Where a statute such as the Warren-Alquist Energy Resources Conservation and Development Act provides that a specific agency shall be the Lead Agency for a project and requires the Lead Agency to prepare an EIR, a Responsible Agency which must grant an approval for the project before the Lead Agency has completed the EIR may prepare and consider a staged EIR.

15069.6 Master Environmental Assessment.

- (a) General. A public agency may prepare a master environmental assessment, inventory, or data base for all, or a portion of, the territory subject to its control in order to provide information which may be used or referenced in EIRs or Negative Declarations. Neither the content, the format, nor the procedures to be used to develop a master environmental assessment are prescribed by these Guidelines. The descriptions contained herein are advisory. A master environmental assessment is suggested solely as an approach to identify and organize environmental information for a region or area of the State.
- (b) Contents. A master environmental assessment may contain an inventory of the physical and biological

characteristics of the area for which it is prepared and may contain such additional data and information as the public agency determines is useful or necessary to describe environmental characteristics of the area. It may include identification of existing levels of quality and air and water, capacities and levels of use of existing services and facilities, and generalized incremental effects of different categories of development projects by type, scale, and location.

(c) Preparation.

- (1) A master environmental assessment or inventory may be prepared in many possible ways. For example, a MEA may be prepared as a special, comprehensive study of the area involved, as part of the EIR on a General Plan, or as a data base accumulated by indexing EIRs prepared for individual projects or programs in the area involved.
- (2) The information contained in a master environmental assessment should be reviewed periodically and revised as needed so that it is accurate and current.
- (3) When advantageous to do so, master environmental assessments may be prepared through a joint exercise of powers agreement with neighboring local agencies or with the assistance of the appropriate Council of Governments.

(d) Uses.

- (1) A master environmental assessment can identify the environmental characteristics and constraints of an area. This information can be used to influence the design and locations of individual projects.
- (2) A master environmental assessment may provide information agencies can use in initial studies to decide whether certain environmental effects are likely to occur and whether certain effects will be significant.
- (3) A master environmental assessment can provide a central source of current information for use in preparing individual EIRs and Negative Declarations.

- (4) Relevant portions of a master environmental assessment can be referenced and summarized in EIRs and Negative Declarations.
- (5) A master environmental assessment can assist in identifying long range, areawide, and cumulative impacts of individual projects proposed in the area covered by the assessment.
- (6) A master environmental assessment can assist a city or county in formulating a General Plan or any Element of such a Plan by identifying environmental characteristics and constraints that need to be addressed in the General Plan.
- (7) A master environmental assessment can serve as a reference document to assist public agencies which review other environmental documents dealing with activities in the area covered by the assessment. The public agency preparing the assessment should forward a completed copy to each agency which will review projects in the area.

ARTICLE 6.5 Statutory Exemptions

15070 Ongoing Project.

- (a) A project as defined in Section 15037 (a) (1) of these Guidelines, approved prior to November 23, 1970 shall require an Environmental Impact Report or a Negative Declaration if the project may have a significant effect on the environment, and either of the following conditions exists:
- (1) A substantial portion of public funds allocated for the project have not been spent and it is still feasible to modify the project to mitigate potentially adverse environmental effects, or to choose feasible alternative to the project, including the alternative of "no project" or halting the project; provided that this Section (1) shall not apply to projects which come under the jurisdiction of the National Environmental Policy Act (NEPA) and which, through regulations promulgated under NEPA, were held to be too far advanced at the time of NEPA's effective date to require an EIS in compliance with those regulations.
 - (2) A public agency proposes to modify the project in such a way that the project might have a new significant effect on the environment.
- (b) A project as defined in Section 15037 (a) (3) or in Section 15037 (a) (2) as it relates to contracts, where the permit or other entitlement was issued, or the contract approved, prior to April 5, 1973, shall not require an EIR or Negative Declaration, subject to the following provisions:
- (1) CEQA expressly does not prohibit a public agency from considering environmental factors in connection with the approval or disapproval of a project, or from imposing reasonable fees on the appropriate private person or entity for preparing an environmental report. Local agencies may require environmental reports for projects covered by this paragraph pursuant to local ordinances during this interim period.
 - (2) Where the issuance or approval occurred prior to December 5, 1972, and prior to said date the project was legally challenged for non-compliance with CEQA, the project shall be bound by special rules set forth in Section 21170 of CEQA.

- (3) Where a project involving the issuance of a lease, permit, license, certificate or other entitlement to use has been granted a discretionary governmental approval for part of the project before April 5, 1973, and another or additional discretionary governmental approvals after April 5, 1973, the project shall require an EIR or Negative Declaration only if the approval or approvals after April 5, 1973 involve a greater degree of responsibility or control over the project as a whole than did the approval or approvals prior to that date.
- (c) Any draft EIR which has been completed or sent out for public review on or before January 1, 1977, in compliance with procedures of a public agency consistent with CEQA and these Guidelines as amended in February 1975, shall be deemed to be in compliance with these Guidelines. No further EIR shall be required except as provided in Subsections (a) and (b).
- (d) Any project approved before February 7, 1975, by a Local Agency Formation Commission without complying with CEQA is declared legally effective unless:
 - (1) The legality of the project was contested in a legal proceeding in which a violation of CEQA was alleged prior to February 7, 1975, and the case was pending and undecided by February 7, 1975, or
 - (2) The project was determined to be illegal, void or ineffective because of non-compliance with CEQA in any judicial proceeding decided before July 6, 1975.
- (e) Any draft EIR or Negative Declaration which has been completed and sent out for public review before January 1, 1978, in compliance with procedures of a public agency consistent with CEQA and these Guidelines as amended in December 1976, shall be deemed to be in compliance with these Guidelines. No further EIR shall be required except as provided in subsections (a), (b) or (c) in Section 15067.

15071. Emergency Project. The following emergency projects are exempt from the requirements of CEQA, and no EIR is required.

- (a) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged

or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with the Section 8550) of Division 1, Title 2 of the Government Code.

- (b) Emergency repairs to public service facilities necessary to maintain service.
- (c) Specific actions necessary to prevent or mitigate an emergency.

15072. Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an Environmental Impact Report but does require consideration of environmental factors as required by Section 21102 of CEQA.

15073. Ministerial Projects.

- (a) Ministerial projects are exempt from the requirements of CEQA, and no environmental documents are required. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. (P.R.C. 21080 (b)).
- (b) In the absence of any discretionary provision contained in the relevant local ordinance, it shall be presumed that the following actions are ministerial:
 - (1) Issuance of building permits.
 - (2) Issuance of business licenses.
 - (3) Approval of final subdivision maps.
 - (4) Approval of individual utility service connections and disconnections.
- (c) Each public agency should in its implementing regulations or ordinances, provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances.

- (d) Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

15074. Notice of Exemption.

- (a) When a public agency determines that a project is exempt from the requirements of CEQA because it is an emergency project, a ministerial project or categorically exempt, and the public agency approves or determines to carry out the project, it may file a notice of exemption. Such a notice shall include:
- (1) a brief description of the project,
 - (2) a finding that the project is exempt, including a citation to the State Guidelines section under which it is found to be exempt, and
 - (3) a brief statement of reasons to support the findings.
- (b) Whenever a public agency approves an applicant's project, it or the applicant may file a notice of exemption. The notice of exemption filed by an applicant shall contain the information required in subdivision (2) above, together with a certified document issued by the public agency stating that it has found the project to be exempt. This may be a certified copy of an existing document or record of the public agency.
- (c) When a State agency files this notice, the notice of exemption will be filed with the Secretary for Resources. A form for this notice is provided in Appendix E. Copies of all such notices shall be posted on a weekly basis at the Resources Building Information Desk, 1416 Ninth Street, Sacramento, CA. Each such list will remain posted for 30 days.
- (d) When a Local agency files this notice, the notice of exemption will be filed with the County Clerk of the county or counties in which the project will be located. Copies of all such notices will be available for public inspection and a list of such notices shall be posted on a weekly basis in the office of the County Clerk. Each such list shall remain posted for a period of 30 days.

15075. Projects which are disapproved.

- (a) CEQA does not apply to projects which a public agency rejects or disapproves. (P.R.C. Section 21080 (b) (5)).
- (b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved.
- (c) This section shall not relieve an applicant from paying the costs for an EIR or Negative Declaration prepared for his project prior to the Lead Agency's disapproval of the project.

15076. Early Activities Related to Power Plants. CEQA does not apply to actions undertaken by a public agency relating to any power plant site or facility, including the expenditure, obligation, or encumbrance of funds by a public agency for planning, engineering, or design purposes, or for the purchase of equipment, fuel, steam, or power for such a power-plant, if the power plant site and related facility will be the subject of an Environmental Impact Report or Negative Declaration prepared by:

- (a) The State Energy Resources Conservation and Development Commission,
- (b) The Public Utilities Commission, or
- (c) The city or county in which the power plant and related facility would be located. (P.R.C. Sec. 21080 (b) (6)).

15077. Olympic Games. CEQA does not apply to activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, Olympic Games under the authority of the International Olympic Committee, except for the construction of facilities necessary for such Olympic Games (P.R.C. Sec. 21080 (b) (7)). If such facilities are required by the International Olympic Committee as a condition of being awarded the Olympic Games, the Lead Agency need not discuss the "no project" alternative in an EIR with respect to those facilities.

15078. Timberland Preserves. Local agencies are exempt from the requirement to prepare an Environmental Impact Report or Negative Declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code Sec. 51119).

15079. Discharge Requirements. The State Water Resources Control Board and the regional boards are exempt from CEQA in the adoption of waste discharge requirements, except requirements for new sources as defined in the Federal Water Pollution Control Act. (Water Code Sec. 13389).

ARTICLE 7. Evaluating Projects

15080. Initial Study.

- (a) If a project is subject to the requirements of CEQA and not exempted by these Guidelines, the Lead Agency shall conduct an Initial Study and determine if the project may have a significant effect on the environment unless the Lead Agency can determine that the project will clearly have a significant effect. If any aspects of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, then an EIR must be prepared. All phases of project planning, implementation, and operation must be considered in the Initial Study of the project. To meet the requirements of this section, the Lead Agency may use an Initial Study prepared pursuant to the National Environmental Policy Act.
- (b) Purposes. The purposes of an Initial Study are to:
 - (1) Identify environmental impacts;
 - (2) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is written;
 - (3) Focus an EIR, if one is required, on potentially significant environmental effects;
 - (4) Facilitate environmental assessment early in the design of a project;
 - (5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
 - (6) Eliminate unnecessary EIRs.
- (c) Contents. An Initial Study shall contain in brief form:
 - (1) A description of the project,
 - (2) An identification of the environmental setting,
 - (3) An identification of environmental effects by use of a checklist, matrix, or other method,
 - (4) A discussion of ways to mitigate the significant effects identified, if any,

- (5) An examination of whether the project is compatible with existing zoning and plans,
 - (6) The name of the person or persons who prepared or participated in the Initial Study.
- (d) Uses.
- (1) The Initial Study shall be used to provide a written determination of whether a Negative Declaration or an EIR shall be prepared for a project.
 - (2) Where a project is revised in response to an Initial Study so that potential adverse effects are mitigated to a point where no significant environmental effects would occur, a Negative Declaration shall be prepared instead of an EIR. If the project would still result in one or more significant effects on the environment after mitigation measures are added to the project, an EIR shall be prepared.
 - (3) The EIR shall emphasize study of the impacts determined to be significant and can omit further examination of those impacts found to be clearly insignificant in the Initial Study.
- (e) Submission of data. If the project is to be carried out by a private person or private organization, the Lead Agency may require such person or organization to submit data and information which will enable the Lead Agency to prepare the Initial Study.
- (f) Format. Sample forms for an applicant's project description and a review form for use by the Lead Agency are contained in Appendices H and I. When used together, these forms would meet the requirements for an Initial Study. These forms are only suggested, and public agencies are free to devise their own format for an Initial Study.
- (g) Consultation. As soon as a Lead Agency had determined that a project is not exempt and that an initial study will be required to determine whether a Negative Declaration or an EIR is required, the Lead Agency shall consult with all Responsible Agencies as required by Section 15066 (b).

15081. Determining Significant Effect.

- (a) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area. There may be a difference of opinion on whether a particular effect should be considered adverse or beneficial, but where there is, or anticipated to be, a substantial body of opinion that considers or will consider the effect to be adverse, the Lead Agency should prepare an EIR to explore the environmental effects involved.
- (b) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider both primary or direct and secondary or indirect consequences. Primary consequences are immediately related to the project, (the construction of a new treatment plant may facilitate population growth in a particular area), while secondary consequences are related more to primary consequences than to the project itself (an impact upon the resource base including land, air, water and energy use of the area in question may result from the population growth).
- (c) Some examples of consequences which may be deemed to be a significant effect on the environment are contained in Appendix G.

15082. Mandatory Findings of Significance. A project shall be found to have a significant effect on the environment if:

- (a) The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history and prehistory.
- (b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

- (c) The project has possible environmental effects which are individually limited but cumulatively considerable. As used in the subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

15083. Negative Declaration.

- (a) General. A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the Lead Agency finds on the basis of an Initial Study will not have a significant effect on the environment.
- (b) Consultation. Before completing a Negative Declaration, the Lead Agency shall consult with all Responsible Agencies pursuant to Section 15066. This consultation may take place during the public review period required by subsection (e) of this section.
- (c) Contents. A Negative Declaration shall include:
 - (1) A brief description of the project; including a commonly used name for the project if any;
 - (2) The location of the project and the name of the project proponent;
 - (3) A finding that the project will not have a significant effect on the environment;
 - (4) An attached copy of the Initial Study documenting reasons to support the finding;
 - (5) Mitigation measures, if any, included in the project to avoid potentially significant effects.
- (d) Notice.
 - (1) Notice of the preparation of a Negative Declaration shall be provided to the public within a reasonable period of time prior to final adoption by the public agency of the Negative Declaration. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:

- (A) Publication, no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area affected by the proposed project.
 - (B) Posting of notice by the public agency on and off site in the area where the project is to be located.
 - (C) Direct mailing to owners of property contiguous to the project.
- (2) The alternatives for providing notice specified in Subsection (1) shall not preclude a public agency from providing additional notice by other means if such agency so desires, nor shall the requirements of this section preclude a public agency from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such project.
- (e) Public Review. The Negative Declaration shall be made available to the public with sufficient time before the project is approved to provide an opportunity for members of the public to respond to the finding. Special requirements for review of Negative Declarations review are contained in Sections 15161.5, 15162 and 15164.
- (f) Notice of Determination.
- (1) After making a decision to carry out or approve a project for which a Negative Declaration has been prepared, the Lead Agency shall file a Notice of Determination.
 - (2) The Notice of Determination shall include:
 - (A) The decision of the agency to approve the project.
 - (B) The determination of the agency whether the project will have a significant effect on the environment.
 - (C) A statement that no EIR has been prepared pursuant to the provisions of CEQA.
 - (D) The address where a copy of the Negative Declaration may be examined.

- (3) If the Lead Agency is a State agency, the Notice of Determination shall be filed with the Secretary for Resources.
- (4) If the Lead Agency is a local agency, the Notice of Determination shall be filed with the County Clerk of the county or counties in which the project will be located. If the project requires a discretionary approval from any State agency, the Notice of Determination also shall be filed with the Secretary for Resources.
- (5) The filing of the Notice of Determination with the Secretary for Resources or the County Clerk starts a 30 day statute of limitations on court challenges to the approval under CEQA. (P.R.C. 21167 (b)).

15084. Decision to Prepare an EIR.

- (a) If the Lead Agency finds after an Initial Study that the project may have a significant effect on the environment, the Lead Agency must prepare or cause to be prepared an Environmental Impact Report.
- (b) An EIR should be prepared whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant effect on the environment.
- (c) An EIR should be prepared when there is serious public controversy concerning the environmental effect of a project. Controversy not related to an environmental issue does not require the preparation of an EIR.

15085. EIR Process. The following steps shall be followed after the Lead Agency decides to prepare an EIR:

- (a) General. When an agency decides that an EIR will be required for a project, it shall follow the procedures contained in this section.
- (b) Early Consultation.
 - (1) After determining that an EIR will be required for a project, the Lead Agency shall send a Notice of Preparation to each Responsible Agency and as required by Section 15066.

- (2) Prior to completing the draft EIR, the Lead Agency should also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. Many public agencies have found that early consultation solves many potential problems that would arise in more serious form later in the review process.
 - (3) For projects where federal involvement might require preparation of a Federal EIS, the Lead Agency under CEQA shall consult with the appropriate Federal agencies as provided in Section 15063.
- (c) Notice of Completion. As soon as the draft EIR is completed, a Notice of Completion must be filed with the Secretary for the Resources Agency. The notice shall include a brief description of the project, its proposed location, an address where copies of the EIR are available, and the period during which comments will be received. A form for this notice is provided in the Appendices. The Notice of Completion will provide the basis for information published by the Secretary for Resources in an EIR Monitor. Where the EIR will be reviewed through the State review process handled by the State Clearinghouse, the cover form required by the State Clearinghouse will serve as the Notice of Completion, and no Notice of Completion need be sent to the Resources Agency.
- (d) Public Review.
- (1) After completing a draft EIR, the Lead Agency shall consult with and obtain comments from public agencies having jurisdiction by law with respect to the project and should consult with persons having special expertise with respect to any environmental impact involved. The Lead Agency shall provide the general public with an opportunity to comment on the EIR.
 - (2) The Lead Agency shall provide public notice of the completion of a draft EIR at the same time as it sends a Notice of Completion to the Resources Agency. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:

- (A) Publication, no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area affected by the proposed project.
 - (B) Posting of notice by the public agency on and off the site in the area where the project is to be located.
 - (C) Direct mailing to owners of property contiguous to the project.
- (3) The alternatives for providing notice specified in subsection (2) shall not preclude a public agency from providing additional notice by other means if such agency so desires, nor shall the requirements of this section preclude a public agency from providing the public notice required by this section at the same time and in the same manner as public notice otherwise required by law for such project.
 - (4) Public agencies shall use the State Clearinghouse to distribute EIRs and other environmental documents to State agencies for review and should use areawide clearinghouses to distribute the documents to regional and local agencies.
 - (5) To make copies of EIRs available to the public, Lead Agencies should furnish copies of draft EIRs to appropriate public library systems.
 - (6) Public agencies should compile listings of other agencies, particularly local agencies, which have jurisdiction by law and/or special expertise with respect to various projects and project locations. Such listings should be a guide in determining which agencies should be consulted with regard to a particular project.
 - (7) Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency.
- (e) Evaluation by Lead Agency. The Lead Agency shall evaluate comments received from persons who reviewed the draft EIR.
 - (f) Preparation of Final EIR. The Lead Agency shall prepare a final EIR. The contents of a final EIR are specified in Section 15146 of these Guidelines.

(g) Certification of Final EIR. The final EIR shall be presented to the decision-making body of the Lead Agency. The Lead Agency shall certify that the final EIR has been completed in compliance with CEQA and the State Guidelines and that the decision-making body or administrative official having final approval authority over the project has reviewed and considered the information contained in the EIR prior to the approval of the project.

(h) Notice of Determination.

- (1) After approving a project for which an EIR has been prepared, the Lead Agency shall file a Notice of Determination. Such notice shall include:
 - (A) An identification of the project by its common name where possible;
 - (B) The decision of the Lead Agency to approve or carry out the project;
 - (C) The determination of the Lead Agency whether the project in its approved form will have a significant effect on the environment;
 - (D) A brief statement of the mitigation measures which were adopted by the Lead Agency to reduce the impacts of the approved project; and
 - (E) A statement that an EIR was prepared pursuant to the provisions of CEQA and was certified as required by Section 15085 (g).
- (2) If the Lead Agency is a State agency, the Notice of Determination shall be filed with the Secretary for Resources.
- (3) If the Lead Agency is a local agency, the Notice of Determination shall be filed with the County Clerk of the county or counties in which the project would be located. If the project requires discretionary approval from a State agency the notice shall also be filed with the Secretary for Resources.
- (4) The filing of the Notice of Determination starts a 30-day statute of limitations on court challenges to the approval under CEQA. (P.R.C. 21167 (c)).

- (i) Filing of Final EIR. If the Lead Agency is a State agency, a copy of the final EIR shall be filed with the appropriate planning agency of any city, county, or city and county which will be affected by the project.
- (j) Use of Final EIR by Responsible Agencies. Each responsible agency shall consider the Lead Agency's EIR before acting upon or approving the project pursuant to Section 15064.

15085.5 Process for a Responsible Agency.

- (a) General. A Responsible Agency complies with CEQA by considering documents prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved. This section identifies the special duties a public agency will have when acting as a Responsible Agency.
- (b) Response to Consultation. A Responsible Agency shall respond to consultation by the Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the project. By this means, the Responsible Agency will ensure that the documents it will use will comply with CEQA.
 - (1) In response to consultation, a Responsible Agency shall explain its reasons for recommending whether the Lead Agency should prepare an EIR or Negative Declaration for a project. Where the Responsible Agency disagrees with the Lead Agency's proposal to prepare a Negative Declaration for a project, the Responsible Agency should identify the significant environmental effects which it believes could result from the project and recommend either that an EIR be prepared or that the project be modified to eliminate the significant effects.
 - (2) As soon as possible, but not longer than 45 days after receiving a Notice of Preparation from the Lead Agency, the Responsible Agency shall send a written reply by certified mail. The reply shall specify the scope and content of the environmental information which would be germane to the Responsible Agency's statutory responsibilities in connection with the proposed project. The Lead Agency shall include this information in the EIR.

(c) Meetings. The Responsible Agency shall designate employees or representatives to attend meetings requested by the Lead Agency to discuss the scope and content of the EIR.

(d) Comments on Draft EIRs and Negative Declarations.

A Responsible Agency should review and comment on draft EIRs and Negative Declarations for projects which the Responsible Agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a Negative Declaration, or on additional alternatives or mitigation measures which the EIR should include. The comments may deal with any aspect of the project or its environmental effects.

(e) Decision on Adequacy of EIR or Negative Declaration.

If a Responsible Agency believes that the final EIR or Negative Declaration prepared by the Lead Agency is not adequate for use by the Responsible Agency, the Responsible Agency must either:

- (1) Take the issue to court within 30 days after the Lead Agency files a Notice of Determination,
- (2) Be deemed to have waived any objection to the adequacy of the EIR or Negative Declaration, or
- (3) Prepare a subsequent EIR if permissible under Section 15067.

(f) Consider the EIR or Negative Declaration. Prior to reaching a decision on the project, the Responsible Agency must consider the environmental effects of the project as shown in the EIR or Negative Declaration. A new or supplemental EIR can be prepared only as provided in Section 15067.

(g) Adoption of Alternatives or Mitigation Measures.

When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measure within its powers that would substantially lessen any significant effect the project would have on the environment. When considering alternatives and mitigation measures, a Responsible Agency is more limited than a Lead Agency. In deciding whether to carry out, finance, or approve a project, a Responsible Agency has responsibility for mitigating or avoiding only the environmental effects of those activities which are within the scope of its statutory authorities.

- (h) Findings. The Responsible Agency shall make the findings required by Section 15088 for each significant effect of the project and shall make the findings in Section 15089, if necessary.
- (i) Notice of Determination. The Responsible Agency should file a Notice of Determination in the same manner as a Lead Agency under Section 15083 (f) or 15085 (h).

15086. EIR Combined with Existing Planning and Review Process.

The EIR process should be combined with the existing planning, review, and project approval process being used by each public agency. The Lead Agency shall include the EIR as a part of the regular project report which is used in the existing review and budgetary process.

15087. Additional Notices. In their implementing procedures, public agencies may provide for the filing of notices in addition to the notices required or authorized by these Guidelines.

15088. Findings.

- (a) No public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects of the project unless the public agency makes one or more of the following findings:
 - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

- (c) The finding in subsection (a) (2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

15089. Statement of Overriding Considerations.

- (a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. Where agencies have taken action resulting in environmental damage without explaining the reasons which supported the decision, courts have invalidated the action.
- (b) Where the decision of the public agency allows the occurrence of significant effects identified in the final EIR without mitigation, the agency must state in writing the reasons to support its action based on the final EIR and other information in the record. This statement may be necessary if the agency also makes a finding under Section 15088 (b) or (c).
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

Section 15090 is repealed.

ARTICLE 8. Categorical Exemptions

15100. Categorical Exemptions. Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of the Environmental Quality Act of 1970.

In response to that mandate the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

- 15100.1 Relation to Ministerial Projects. Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are exempt under Section 15073 of these Guidelines, Categorical Exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.

15100.2 Exceptions:

- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located --- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by Federal, State or Local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant---for example, annual additions to an existing building under Class I.

- 15100.3 Revisions to List of Categorical Exemptions. Any public agency may, at any time, request that a new class of Categorical Exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.
- 15100.4 Application by Public Agencies. Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15100.2.
15101. Class 1: Existing Facilities. Class I consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
 - (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
 - (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource including but not limited to a stand of trees, a rock outcropping, or an historic building;
 - (d) Restoration, or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood;

- (e) Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2500 square feet, whichever is less;
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.
- (j) Fish stocking by the California Department of Fish and Game.
- (k) Division of existing multiple-family rental units into condominiums.
- (l) Demolition and removal of individual small structures listed in this subsection except where the structures are of historical, archaeological or architectural significance:
 - (1) Single-family residences not in conjunction with the demolition of two or more units,
 - (2) Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the demolition of two or more such structures,
 - (3) Stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the demolition of two or more such structures,
 - (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.

15102. Class 2: Replacement or Reconstruction. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50%.
- (b) Replacement of a commercial structure with a new structure of substantially the same size and purpose.

15103. Class 3: New Construction of Small Structures. Class 3 consists of construction and location of single, new, small facilities or structures and installation of small new equipment and facilities including but not limited to:

- (a) Single family residences not in conjunction with the building of two or more such units.
- (b) Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the building of two or more such structures.
- (c) Stores, offices, and restaurants, if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures.
- (d) Water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.

15104. Class 4: Minor Alterations to Land. Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except where it is to be located in a waterway, in any wetland, in an officially designated (by Federal, State or Local governmental action) scenic area, or in officially mapped areas of severe geologic hazard.
- (b) New gardening or landscaping.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site.
- (d) Minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production.
- (e) Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.
- (f) Minor trenching and backfilling where the surface is restored.
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable State and Federal regulatory agencies.

15105. Class 5: Alterations in Land Use Limitations. Class 5 consists of minor alterations in land use limitations, except zoning, including but not limited to:

- (a) Minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel nor in any change in land use or density;
- (b) Issuance of minor encroachment permits.

15106. Class 6: Information Collection. Class 6 consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

15107. Class 7: Actions by Regulatory Agencies for Protection of Natural Resources. Class 7 consists of actions taken by regulatory agencies as authorized by State law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.
15108. Class 8: Actions by Regulatory Agencies for Protection of the Environment. Class 8 consists of actions taken by regulatory agencies, as authorized by State or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.
15109. Class 9: Inspections. Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products.
15110. Class 10: Loans. Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:
- (a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.
 - (b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.
15111. Class 11: Accessory Structures. Class II consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:
- (a) On-premise signs;
 - (b) Small parking lots.

15112. Class 12: Surplus Government Property Sales. Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy Report prepared pursuant to Government Code Sections 65041 et seq. However, if the surplus property to be sold is located in those areas identified in the Governor's Environmental Goals and Policy Report, its sale is exempt if:
- (a) The property does not have significant values for wildlife habitat or other environmental purposes, and
 - (b) Any of the following conditions exist:
 - (1) The property is of such size or shape that it is incapable of independent development or use, or
 - (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in Article 8 of these guidelines, or
 - (3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

15113. Class 13: Acquisition of Lands for Wildlife Conservation Purposes. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

15114. Class 14: Minor Additions to Schools. Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or five classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Section 15115 is repealed.

15116. Class 16: Transfer of Ownership of Land in Order to Create Parks. Class 16 consists of the acquisition or sale of land in order to establish a park where the land is in a natural condition or contains historic sites or archaeological sites and either:

- (a) The management plan for the park has not been prepared, or

- (b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological site. CEQA will apply when a management plan is proposed that will change the area from its natural condition or significantly change the historic or archaeological site.

15117. Class 17: Open Space Contracts or Easements. Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests or easements is not included.

15118. Class 18: Designation of Wilderness Areas. Class 18 consists of the designation of wilderness areas under the California Wilderness System.

15119. Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities. Class 19 consists of only the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15103, New Construction of Small Structures.

15120. Class 20: Changes in Organization of Local Agencies.

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (a) Establishment of a subsidiary district.
- (b) Consolidation of two or more districts having identical powers.
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

15121. Class 21: Enforcement Actions by Regulatory Agencies.

- (a) Class 21 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted or prescribed by the regulatory agency or law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:
- (1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, or City Attorney as appropriate, for judicial enforcement.
 - (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.
- (b) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

15122. Class 22: Educational or Training Programs Involving No Physical Changes. Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

- (a) Development of or changes in curriculum or training methods.
- (b) Changes in the grade structure in a school which do not result in changes in student transportation.

15123. Class 23: Normal Operations of Facilities for Public Gatherings. Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same kind of purpose. Facilities included within this exemption include but are not limited to racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks.

15124. Class 24: Regulation of Working Conditions. Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- (a) Employee wages,
- (b) Hours of work, or
- (c) Working conditions where there will be no demonstrable physical changes outside the place of work.

ARTICLE 9. Contents of Environmental Impact Reports

15140. General.

- (a) Environmental Impact Reports shall contain the information outlined in this article. Each element must be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed.
- (b) Each report shall contain a brief summary of the proposed action and its consequences in language sufficiently simple that the issues can be understood by the average member of the lay public. The EIR shall also contain a table of contents or an index.
- (c) The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analysis as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be available for public examination and shall be submitted to all clearinghouses which assist in public review.
- (d) The EIR should be prepared using a systematic, interdisciplinary approach. The interdisciplinary analysis shall be conducted by competent individuals, but no single discipline shall be designated or required to undertake this evaluation. Preparation of EIRs is dependent upon information from many sources, including the engineering project report and many scientific documents relating to environmental features. The EIR shall reference all documents used in its preparation including where possible, a citation to the page and section number of any technical reports which were used as the basis for any statements in the EIR.
- (e) The EIR should discuss environmental effects in proportion to their severity and probability of occurrence. Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not

be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study shall be attached to the EIR to provide the basis for limiting the impacts discussed.

- (f) An EIR shall contain a statement briefly indicating the reasons for determining that various effects of a project that could possibly be considered significant were not found to be significant and consequently were not discussed in detail in the EIR.
- (g) Drafting an EIR necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.
- (h) If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

15141. Description of Project.

The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

- (a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
- (b) A statement of the objectives sought by the proposed project.
- (c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals and supporting public service facilities.

15142. Description of Environmental Setting.

An EIR must include a description of the environment in the vicinity of the project, as it exists before commencement of the project, from both a local and regional perspective. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on

environmental resources that are rare or unique to that region. Specific reference to related projects, both public and private, both existent and planned, in the region should also be included, for purposes of examining the possible cumulative impact of such projects.

15143. Environmental Impact. All phases of a project must be considered when evaluating its impact on the environment: Planning, acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

- (a) The Significant Environmental Effects of the Proposed Project. Describe the direct and indirect significant effects of the project on the environment, giving due consideration to both the short-term and long-term effects. It should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution population concentration, the human use of the land (including commercial and residential development) and other aspects of the resource base such as water scenic quality and public services. Cumulative effects shall also be discussed when found to be significant.
- (b) Any Significant Environmental Effects Which Cannot be Avoided if the Proposal is Implemented: Describe any significant impacts, including those which can be reduced to an insignificant level but not eliminated. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. Describe significant impacts on any aesthetically valuable surroundings, or on human health.
- (c) Mitigation Measures Proposed to Minimize the Significant Effects. Describe significant, avoidable, adverse impacts, including inefficient and unnecessary consumption of energy, and measures to minimize these impacts. The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures that are not included but could reasonably be expected to reduce adverse impacts.

This discussion shall include an identification of the acceptable levels to which such impacts will be reduced, and the basis upon which such levels were identified. Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Energy conservation measures, as well as other appropriate measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.

- (d) Alternatives to the Proposed Action. Describe all reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also be evaluated, along with the impact. The discussion of alternatives shall include alternatives capable of substantially reducing or eliminating any significant environmental effects, even if these alternatives substantially impede the attainment of the project objectives and are more costly.
- (e) The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity: Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the environment. Special attention should be given to impacts which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, should be explained.
- (f) Any significant irreversible environmental changes which would be involved in the proposed action should it be implemented: Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a non-accessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

(g) The Growth-Inducing Impact of the Proposed Action:

Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

15143.5 Effects Found Not to be Significant. An EIR shall contain a statement briefly indicating the reasons that various possibly significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.

15144. Organizations and Persons Consulted.

The identity of all federal, state and local agencies, other organizations and private individuals consulted in preparing the EIR, and the identity of the persons, firm or agency preparing the EIR, by contract or other authorization must be given.

15145. Water Quality Aspects. Describe in the environmental setting section, and other sections where applicable, water quality aspects of the proposed project which have been previously certified by the appropriate state or interstate organization as being in substantial compliance with applicable water quality standards.

15146. Contents of Final Environmental Impact Report.

(a) The Final EIR shall consist of:

- (1) The Draft EIR or a revision of the draft.
- (2) Comments and recommendations received on the Draft EIR verbatim or in summary.
- (3) A list of persons, organizations and public agencies commenting on the Draft EIR.
- (4) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

- (b) The response of the Lead Agency to comments received may take the form of a revision of the Draft EIR or may be an attachment to the Draft EIR. The response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular the major issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted, and factors of overriding importance warranting an override of the suggestions.

15147. Degree of Specificity. The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

- (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.
- (b) An EIR on projects such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

15148. EIR as Part of General Plan.

- (a) The requirements for an EIR on a local general plan, element or amendment thereof will be satisfied by the general plan or element document, and no separate EIR will be required if:
 - (1) the general plan addresses all the points required to be in an EIR by Article 9 of these Guidelines and
 - (2) the document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.

- (b) Where an EIR has been prepared for a general plan, element, or amendment thereto, the EIR shall be forwarded to the State Clearinghouse for review.

15149. Incorporation by Reference.

- (a) An EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR.
- (b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the Lead Agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the Lead Agency does not have an office in the county.
- (c) Where an EIR uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

15150. Standards for Adequacy of an EIR. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

15151. Use of Registered Professionals in Preparing EIRs.

- (a) A number of statutes provide that certain professional services can be provided to the public only by individuals who have been registered by a registration board established under California law. Such statutory restrictions apply to a number of professions including but not limited to engineering, land surveying, forestry, geology and geophysics.
- (b) In its intended usage, an EIR is not a technical document that can be prepared only by a registered professional. The EIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project and ways to minimize adverse effects and to increase beneficial effects. As a result of information in the EIR, the Lead Agency should establish requirements or conditions on project design, construction, or operation in order to protect or enhance the environment. State statutes may provide that only registered professionals can prepare technical studies which will be used in or which control the detailed design, construction or operation of the proposed project and which will be prepared in support of an EIR.

ARTICLE 10. Evaluation of Environmental Impact Reports.

15160. Adequate Time for Review and Comment. The Lead Agency should provide adequate time for other public agencies and members of the public to review and comment on an EIR that it has prepared.
- (a) Public agencies may establish time periods for review in their implementing procedures and shall notify the public and others described in sections 15085 (b) and (c) of these Guidelines of the time for receipt of comments on EIRs.
 - (b) In setting time periods for review, public agencies shall give consideration to their obligation to obtain comments from public agencies having jurisdiction by law with respect to the project and to the policy favoring public participation.
 - (c) In order to provide sufficient time for public review, review periods for draft EIRs should not be less than 30 days nor longer than 90 days except in unusual situations. The review period for draft EIRs for which a State agency is the Lead Agency or a Responsible Agency shall be at least 45 days unless a shorter period is approved by the State Clearinghouse.
 - (d) A review period for an EIR does not require a halt in other planning activities related to a project. Planning should continue in conjunction with environmental evaluation.
- 15160.5 Purpose of Review. The legally required preparation, review and comment procedures for environmental documents provide the opportunity for citizens, all professional disciplines, and public agencies to evaluate critically the environmental document and the manner in which technical data are used.
15161. Review of Environmental Impact Reports.
- (a) Public agencies must develop procedures for reviewing EIRs which Lead Agencies submit to them for comments.
 - (b) Cities and counties should compile listings of other agencies, particularly local agencies which have jurisdiction by law and/or special expertise with respect to various projects and project locations. Such listings should be a guide in determining which agencies should be consulted with regard to a particular project.

- (c) Reviewers should focus on the sufficiency of the EIR in discussing possible impacts upon the environment, ways in which adverse effects might be minimized, and alternatives to the project, in light of the intent of the Act to provide decision-makers with useful information about such factors. Public agencies reviewing projects should explain the basis for their comments, and whenever possible should submit data or references in support of such comments.
- (d) Upon completion of reviewing an EIR, it is suggested that reviewing agencies supply the Lead Agency with the name of a contact person who is available for later consultation should this prove necessary.

15161.5 Review by State Agencies.

- (a) EIRs and Negative Declarations to be reviewed by state agencies shall be submitted to the State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814.
- (b) The following environmental documents shall be submitted to the State Clearinghouse for review by State agencies:
 - (1) Draft EIRs and Negative Declarations prepared by a State agency where such agency is a Lead Agency.
 - (2) Draft EIRs and Negative Declarations prepared by a public agency where a state agency is a Responsible Agency or otherwise has jurisdiction by law with respect to the project.
 - (3) Draft EISs and Negative Declarations prepared pursuant to NEPA, the Federal Guidelines (Title 40 CFR, Part 1500, commencing with Section 1500.1) and Parts I and II of Office of Management and Budget Circular A-95.
- (c) Public agencies may send environmental documents to the State Clearinghouse for review where a state agency has special expertise with regard to the environmental impacts involved.
- (d) When an EIR is submitted to the State Clearinghouse, the review period set by the Lead Agency shall be at least as long as the period provided in the State review system operated by the State Clearinghouse. In exceptional circumstances, the State Clearinghouse may set shorter review periods when requested by the Lead Agency.

15161.6 Projects of Statewide, Regional or Areawide Significance.

- (a) Projects meeting the criteria in this section shall be deemed to be of statewide, regional or areawide significance. EIRs or Negative Declarations prepared by any public agency on a project described in this section shall be submitted to the State Clearinghouse and should be submitted also to the appropriate metropolitan area council of governments for review and comment.
- (b) The Lead Agency shall determine that a proposed project is of statewide, regional, or areawide significance if the project meets any of the following criteria:
 - (1) A proposed local general plan, element, or amendment thereof for which an EIR was prepared.
 - (2) A project which would interfere with the attainment or maintenance of state or national air quality standards including:
 - (A) A proposed residential development of more than 500 dwelling units.
 - (B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.
 - (C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.
 - (D) A proposed hotel/motel development of more than 500 rooms.
 - (E) A proposed industrial, manufacturing or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.
 - (3) A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres.

- (4) A project located in and substantially impacting on an area of critical environmental sensitivity for which an EIR was prepared including:
 - (A) The Lake Tahoe Basin.
 - (B) The Santa Monica Mountains Zone as defined by Section 67463 of the Government Code,
 - (C) The California Coastal Zone as defined in, and mapped pursuant to, Section 30103 of the Public Resources Code.
 - (D) An area within $\frac{1}{4}$ mile of a wild and scenic river as defined by Section 5093.5 of the Public Resources Code.
 - (E) The Sacramento-San Joaquin Delta, as defined in Water Code Section 12220.
 - (F) The Suisun Marsh as defined in Public Resources Code Section 29101.
 - (G) The jurisdiction of the San Francisco Bay Conservation and Development Commission as defined in Government Code Section 66610.
- (5) A project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for rare and endangered species as defined by Fish and Game Code Section 903.
- (6) A project which would interfere with attainment of regional water quality standards as stated in the approved areawise wastewater management plan.

15162. Failure to Comment. If any public agency or person who is consulted with regard to an EIR fails to comment within a reasonable time as specified by the Lead Agency, it shall be assumed, absent a request for a specific extension of time, that such agency or person has no comment to make.

15163. Availability of Environmental Documents.

- (a) The Lead Agency, after preparing an EIR or other environmental document described in these Guidelines, is responsible for making such documents available to the public for inspection. Members of the general public requesting copies of the EIR may be charged for the actual cost of reproducing that copy.

- (b) The Lead Agency should file draft EIRs in appropriate public library systems in order to provide adequate public access.

15164. Public Participation. While the Environmental Quality Act of 1970 does not require formal public hearings at any stage of the environmental review procedure, it is a widely accepted desirable goal of this process to encourage public participation. All public agencies adopting implementing procedures in response to these Guidelines should make provisions in their procedures for wide public involvement, formal and informal, consistent with their existing activities and procedures in order to properly receive and evaluate public reactions, adverse and favorable, based on environmental issues.

15165. Public Hearings.

- (a) A public hearing on the environmental impact of a project should usually be held when the Lead Agency determines it would facilitate the purposes and goals of the CEQA and these Guidelines to do so. The hearing may be held in conjunction with and as a part of normal planning activities. To as great a degree as possible, these hearings should include comments from reviewing agencies made pursuant to these Guidelines.
- (b) A Draft EIR should be used as a basis for discussion at a public hearing. The hearing may be held at a place where public hearings are regularly conducted by the Lead Agency or at another location expected to be convenient to the public.
- (c) Notice shall be given of all public hearings in a timely manner. This notice may be given in the same form and time as notice for other regularly conducted public hearings of the public agency.
- (d) A public agency may include, in its implementing procedures, procedures for the conducting of public hearings pursuant to this section, which procedures may be consistent with already existing hearing and notice requirements of the public agency for regularly conducted legislative, planning and other proceedings.
- (e) There is no requirement for a public agency to conduct a public hearing in connection with its review of an EIR prepared by another public agency.

15166. Retention and Availability of Comments. Comments received through the consultation process shall be kept on file for a reasonable period and available for public inspection at an address given in the Final EIR. Comments which may be received independently of the review of the Draft EIR shall also be considered and kept on file.
15167. Comments on Initiative of Public Agencies. Every public agency may comment on environmental documents dealing with projects which affect resources with which the agency has special expertise regardless of whether its comments were solicited.

ARTICLE 11. EIR Monitor

15180. EIR Monitor. The Secretary for Resources will provide for publication of a bulletin entitled "California EIR Monitor" on a subscription basis to provide public notice of amendments to the Guidelines, the completion of draft EIRs and other matters as deemed appropriate. Inquiries and subscription requests should be sent to the following address:

Secretary for Resources
Attention: California EIR Monitor
1416 Ninth Street, Room 1311
Sacramento, California 95814

ARTICLE 13. Litigation

15201. Statutory Reference. Litigation under CEQA must be handled under the time limits and criteria described in Sections 21167 et seq. of the Public Resources Code.
15202. Adequacy of an EIR or Negative Declaration for Use by Responsible Agencies. A Final EIR prepared by a Lead Agency or a Negative Declaration adopted by a Lead Agency shall be conclusively presumed to comply with CEQA for purposes of use by Responsible Agencies which were consulted pursuant to Section 15066 unless one of the following conditions occurs:
- (a) A legal action or proceeding is filed challenging the EIR within the period provided in Section 21167 (c), or
 - (b) A subsequent EIR is made necessary by Section 15067 of these Guidelines.
15203. Conditional Permits.
- (a) If a lawsuit is filed challenging an EIR or Negative Declaration for noncompliance with CEQA, Responsible Agencies shall act as if the EIR or Negative Declaration complies with CEQA and continue to process the application for the project according to the time limits for Responsible Agency action contained in Government Code Section 65952. In this situation, the Responsible Agency shall have authority only to grant a conditional approval or disapproval of the project. A conditional approval shall constitute permission to proceed with a project only when the court action results in a final determination that the EIR or Negative Declaration does comply with the provisions of CEQA. (P.R.C. 21167.3)
 - (b) This section shall not require a Responsible Agency to process an application for a project where that Responsible Agency has filed a lawsuit challenging the legal adequacy of the environmental documents prepared by or for the Lead Agency.

AREAS OF SPECIAL EXPERTISE OF STATE DEPARTMENTS IN SUBJECTS OF ENVIRONMENTAL CONCERN

B-1

APPENDIX B

AGRICULTURE AND SERVICES AGENCY

Agriculture

BUSINESS AND TRANSPORTATION AGENCY

Aeronautics

CHP

Corporations

DMV

H CD

Public Works

Real Estate

Savings and Loan

Office of Transp.
Planning & Research

1 Air Quality and air pollution control

2 Chemical contamination and food products

3 Coastal areas, wetlands, estuaries, waterfowl refuges, and beaches

4 Congestion in urban areas, housing and building displacement

5 Disease control

6 Electric energy generation and supply

7 Environmental effects with special impact in low-income neighborhoods

8 Flood plains and watersheds

9 Food additives and food sanitation

10 Herbicides

11 Historic and Archaeological sites

12 Human ecology

13 Microbiological contamination

14 Mineral land reclamation

15 Natural gas energy development generation and supply

16 Navigable airways

17 Navigable waterways

18 Noise control and abatement

19 Parks, forests, trees and outdoor recreation areas

20 Pesticides

21 Radiation and radiological health

22 Regional comprehensive planning

23 Rodent control

24 Sanitation and waste systems

25 Shellfish sanitation

26 Soil and plant life, sedimentation, erosion and hydrologic conditions

27 Toxic materials

28 Transportation and handling of hazardous materials

29 Water quality and water pollution control

30 Fish and wildlife

31 Activities with special impact on regional jurisdictions

32 Water project formulation

33 Geothermal energy

34 Oil and petroleum development, generation and supply

35 Statewide land use patterns

36 Open Space policy

* See Appendix B Footnotes.

[illegible]

Note: The following entities will also receive reports for review but their areas of environmental concern are not yet established: San Francisco Bay Conservation and Development Commission, California Tahoe Regional Planning Agency and Wildlife Conservation Board.

APPENDIX B FOOTNOTES

No.

1. Agriculture - (1) Air quality and air pollution control
Effects on plants and animals.
2. Agriculture - (12) Human Ecology
Protection of food and fibre.
3. Agriculture - (24) Sanitation and waste systems
Agricultural, dairy and feed lot systems.
4. Agriculture - (28) Transportation and handling of hazardous materials
As pertains to transportation, handling, storage and decontamination of pesticides.
5. Agriculture - (30) Fish and wildlife
Pesticide effects, predatory animal control, bird control.
6. CHP - (1) Air quality and air pollution control
Enforcement of motor vehicle regulations.
7. Public Health - (3) Coastal areas, wetlands, etc.
Beach sanitation, water pollution, solid waste and mosquito control.
8. Public Health - (4) Congestion in urban areas, housing and building displacement
Pertains to health component.
9. Public Health - (7) Environmental effects with special impact in low-income neighborhoods
Most of these are strongly related to health.
10. Public Health - (16) Navigable airways
Pertains to noise.
11. Public Health - (22) Regional comprehensive planning
Pertains to personal and environmental health components.
12. Public Health - (30) Wildlife
As it may pertain to human health hazards.

13. Public Health - (31) Activities with special impact on regional jurisdictions

Pertains to comprehensive health planning.

14. Colorado River Board - (2), (3), (5), (6), (8), (10), (13), (17), (19), (21), (22), (24), (26), (27), (29), (30), (31), (32) and (33)

As pertains to the Colorado, New and Alamo Rivers.

15. Fish and Game - (15) Natural gas energy development, generation and supply

As field development and distribution systems may affect fish and wildlife.

16. Fish and Game - (16) Navigable airways

As may affect migrating and resident wildlife.

17. Fish and Game - (18) Noise control and abatement

As excessive noise may affect wildlife.

18. Fish and Game - (24) Sanitation and waste systems

As water quality may affect fish and wildlife.

19. Parks and Recreation - (7) Environmental effects with special impact in low-income neighborhoods

In impacted areas only.

20. Reclamation Board - (8), (17) and (32)

In areas of Board's jurisdiction only.

21. State Water Resources Control Board - (4), (30), (33) and (34)

As may pertain to water quality.

22. Conservation - (5), (10), (20) and (23)

With respect to forest land.

23. Conservation - (6) and (32)

As related to fire protection or State (fire protection) responsibility land.

24. Air Resources Board - (4), (22), (32) and (36)

As may pertain to residential, commercial, industrial or transportation growth.

Appendix C

TO: State of California
 The Resources Agency
 Secretary for Resources
 1416 Ninth Street, Room 1311
 Sacramento, California 95814

NOTICE OF COMPLETION

Project Title

Project Location - Specific

Project Location - City

Project Location - County

Description of Nature, Purpose, and Beneficiaries of Project

Lead Agency

Division

Address Where Copy of EIR is Available

Review Period

Contact Person

Area Code

Phone

Extention

NOTICE OF DETERMINATION

TO: ☐ Secretary for Resources FROM: (Lead Agency)
 1416 Ninth Street, Room 1311
 Sacramento, California 95814

☐ County Clerk
 County of _____

SUBJECT: Filing of Notice of Determination in compliance with
 Section 21108 or 21152 of the Public Resources Code.

Project Title _____

State Clearinghouse Number (If submitted to State Clearinghouse) _____

Contact Person _____ Telephone Number _____

Project Location _____

Project Description _____

This is to advise that the _____
 (Lead Agency)

has approved the above described project and has made the following
 determinations regarding the above described project:

1. The project ☐ will, ☐ will not, have a significant
 effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this
 project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project
 pursuant to the provisions of CEQA. A copy of the
 Negative Declaration is attached.
3. A Statement of Overriding Considerations ☐ was, ☐
 was not, adopted for this project.

Date received for Filing _____ Signature _____

_____ Title

Reference: California Administrative Code, Title 14, Sections
 15035, 15083 (f), 15083 (h), 15085 (i).

NOTICE OF EXEMPTION

TO: ☐ Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, California 95814

FROM: _____

☐ County Clerk
County of _____

Project Title

Project Location - Specific

Project Location - City

Project Location - County

Description of Nature, Purpose, and Beneficiaries of Project

Name of Public Agency Approving Project

Name of Person or Agency carrying Out Project

Exempt Status: (Check One)

- ☐ Ministerial (Sec. 15073)
- ☐ Declared Emergency (Sec. 15071 (a))
- ☐ Emergency Project (Sec. 15071 (b) and (c))
- ☐ Categorical Exemption. State type and section number:

Reasons why project is exempt:

Contact Person	Area Code	Telephone	Extension
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If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes ___ No ___

Date Received for Filing

Signature

Title

Date

APPENDIX F

ENERGY CONSERVATION

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

- (1) Decreasing overall per capita energy consumption.
- (2) Decreasing reliance on natural gas and oil.
- (3) Increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

II. EIR Contents

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances specific items may not apply or additional items may be needed.

A. Project Description may include the following items:

1. Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
2. Total energy requirements of the project by fuel type and end use.
3. Energy conservation equipment and design features.
4. Initial and life-cycle energy costs or supplies.

- B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.
- C. Environmental Impacts may include:
 - 1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensive-ness of materials may be discussed.
 - 2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
 - 3. The effects of the project on peak and base period demands for electricity and other forms of energy.
 - 4. The degree to which the project complies with existing energy standards.
 - 5. The effects of the project on energy resources.
- D. Mitigation Measures may include:
 - 1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
 - 2. The potential of siting, orientation, and design to minimize energy consumption.
 - 3. The potential for reducing peak energy demand.
 - 4. Alternate fuels (particularly renewable ones) or energy systems.
 - 5. Energy conservation which could result from recycling efforts.
- E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.
- F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

- G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.
- H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.
- I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.

Appendix G

Significant Effects

A project will normally have a significant effect on the environment if it will:

- (a) Conflict with adopted environmental plans and goals of the community where it is located;
- (b) Have a substantial, demonstrable negative aesthetic effect;
- (c) Substantially affect a rare or endangered species of animal or plant or the habitat of the species;
- (d) Interfere substantially with the movement of any resident or migratory fish or wildlife species;
- (e) Breach published national, State, or local standards relating to solid waste or litter control;
- (f) Substantially degrade water quality;
- (g) Contaminate a public water supply;
- (h) Substantially degrade or deplete ground water resources;
- (i) Interfere substantially with ground water recharge;
- (j) Disrupt or alter an archaeological site over 200 years old, an historic site or a paleontological site except as part of a scientific study of the site;
- (k) Induce substantial growth or concentration of population;
- (l) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system;
- (m) Displace a large number of people;
- (n) Encourage activities which result in the use of large amounts of fuel, water or energy;
- (o) Use fuel, water or energy in a wasteful manner;
- (p) Increase substantially the ambient noise levels for adjoining areas;
- (q) Cause substantial flooding, erosion or siltation;
- (r) Expose people or structures to major geologic hazards;
- (s) Extend a sewer trunk line with capacity to serve new development;

- (t) Substantially diminish habitat for fish, wildlife or plants;
- (u) Disrupt or divide the physical arrangement of an established community;
- (v) Create a public health hazard or a potential public health hazard;
- (w) Conflict with established recreational, educational, religious or scientific uses of the area;
- (x) Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations.

Appendix H

Date Filed _____

Environmental Information Form (To be completed by applicant)

GENERAL INFORMATION

1. Name and address of developer or project sponsor: _____

2. Address of project: _____

Assessor's Block and Lot Number _____

3. Name, address, and telephone number of person to be contacted concerning this project _____

4. Indicate number of the permit application for the project to which this form pertains: _____

5. List and describe any other related permits and other public approvals required for this project, including those required by City, Regional, State and Federal agencies: _____

6. Existing zoning district: _____

7. Proposed use of site (Project for which this form is filed): _____

PROJECT DESCRIPTION

8. Site size.

9. Square footage.

10. Number of floors of construction.

11. Amount of off-street parking provided.

12. Attach plans.

13. Proposed scheduling.

14. Associated projects.

15. Anticipated incremental development.
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, City or regionally oriented, square footage of sales area, and loading facilities.
18. If industrial, indicate type, estimated employment per shift, and loading facilities.
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities and community benefits to be derived from the project.
20. If the project involves a variance, conditional use or re-zoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

- | <u>YES</u> | <u>NO</u> | |
|------------|-----------|--|
| ___ | ___ | 21. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours. |
| ___ | ___ | 22. Change in scenic views or vistas from existing residential areas or public lands or roads. |
| ___ | ___ | 23. Change in pattern, scale or character of general area of project. |
| ___ | ___ | 24. Significant amounts of solid waste or litter. |
| ___ | ___ | 25. Change in dust, ash, smoke, fumes or odors in vicinity. |
| ___ | ___ | 26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns. |
| ___ | ___ | 27. Substantial change in existing noise or vibration levels in the vicinity. |
| ___ | ___ | 28. Site on filled land or on slope of 10 percent or more. |
| ___ | ___ | 29. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives. |
| ___ | ___ | 30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). |

<u>Yes</u>	<u>No</u>
------------	-----------

31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).
32. Relationship to a larger project or series of projects.

ENVIRONMENTAL SETTING

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or polaroid photos will be accepted.
34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted.

CERTIFICATION: I hereby certify that the statements furnished and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date _____

(Signature)

For

(NOTE: This is only a suggested form. Public agencies are free to devise their own format for initial studies.)

Appendix I

Environmental Checklist Form (To be completed by Lead Agency)

I. BACKGROUND

1. Name of Proponent _____
2. Address and Phone Number of Proponent:

3. Date of Checklist Submitted _____
4. Agency Requiring Checklist _____
5. Name of Proposal, if applicable _____

II. ENVIRONMENTAL IMPACTS

(Explanation of all "yes" and "maybe" answers are required on attached sheets.)

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
L. <u>Earth</u> . Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	___	___	___
b. Disruptions, displacements, compaction or overcovering of the soil?	___	___	___
c. Change in topography or ground surface relief features?	___	___	___
d. The destruction, covering or modification of any unique geologic or physical features?	___	___	___
e. Any increase in wind or water erosion of soils, either on or off the site?	___	___	___
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	___	___	___

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	_____	_____
2. <u>Air</u> . Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	_____	_____	_____
b. The creation of objectionable odors?	_____	_____	_____
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	_____	_____	_____
3. <u>Water</u> . Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh water?	_____	_____	_____
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	_____	_____	_____
c. Alterations to the course or flow of flood waters?	_____	_____	_____
d. Change in the amount of surface water in any water body?	_____	_____	_____
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	_____	_____	_____
f. Alteration of the direction or rate of flow of ground waters?	_____	_____	_____
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	_____
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	_____
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	_____

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
4. <u>Plant Life</u> . Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	_____	_____	_____
b. Reduction of the numbers of any unique rare or endangered species of plants?	_____	_____	_____
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	_____	_____	_____
d. Reduction in acreage of any agricultural crop?	_____	_____	_____
5. <u>Animal Life</u> . Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?	_____	_____	_____
b. Reduction of the numbers of any unique rare or endangered species of animals?	_____	_____	_____
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	_____	_____	_____
d. Deterioration to existing fish or wildlife habitat?	_____	_____	_____
6. <u>Noise</u> . Will the proposal result in:			
a. Increases in existing noise levels?	_____	_____	_____
b. Exposure of people to severe noise levels?	_____	_____	_____
7. <u>Light and Glare</u> . Will the proposal produce new light or glare?	_____	_____	_____
8. <u>Land Use</u> . Will the proposal result in a substantial alteration of the present or planned land use of an area?	_____	_____	_____
9. <u>Natural Resources</u> . Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	_____	_____	_____

	YES	MAYBE	NO
b. Substantial depletion of any nonrenewable natural resource?	_____	_____	_____
10. <u>Risk of Upset.</u> Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	_____	_____	_____
11. <u>Population.</u> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	_____	_____	_____
12. <u>Housing.</u> Will the proposal affect existing housing, or create a demand for additional housing?	_____	_____	_____
13. <u>Transportation/Circulation.</u> Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	_____	_____	_____
b. Effects on existing parking facilities, or demand for new parking?	_____	_____	_____
c. Substantial impact upon existing transportation systems?	_____	_____	_____
d. Alterations to present patterns of circulation or movement of people and/or goods?	_____	_____	_____
e. Alterations to waterborne, rail or air traffic?	_____	_____	_____
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	_____
14. <u>Public Services.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas?			
a. Fire protection?	_____	_____	_____
b. Police protection?	_____	_____	_____
c. Schools?	_____	_____	_____
d. Parks or other recreational facilities?	_____	_____	_____
e. Maintenance of public facilities, including roads?	_____	_____	_____
f. Other governmental services?	_____	_____	_____

	YES	MAYBE	NO
15. <u>Energy</u> . Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	_____	_____	_____
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	_____	_____	_____
16. <u>Utilities</u> . Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?	_____	_____	_____
b. Communications systems?	_____	_____	_____
c. Water?	_____	_____	_____
d. Sewer or septic tanks?	_____	_____	_____
e. Storm water drainage?	_____	_____	_____
f. Solid waste and disposal?	_____	_____	_____
17. <u>Human Health</u> . Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	_____	_____
b. Exposure of people to potential health hazards?	_____	_____	_____
18. <u>Aesthetics</u> . Will the proposal result in the obstruction of any scenic vista open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	_____	_____	_____
19. <u>Recreation</u> . Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	_____	_____	_____
20. <u>Archeological/Historical</u> . Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?	_____	_____	_____

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
21. <u>Mandatory Findings of Significance.</u>			
(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	_____	_____	_____
(b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	_____	_____	_____
(c) Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	_____	_____	_____
(d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	_____	_____	_____

III. DISCUSSION OF ENVIRONMENTAL EVALUATION

IV. DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.

☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date _____ (Signature) _____

For _____

(NOTE: This is only a suggested form. Public agencies are free to devise their own format for initial studies.)

NOTICE OF PREPARATION

TO: _____ FROM: _____
(Responsible Agency) (Lead Agency)

(Address) (Address)

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

_____ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the probable environmental effects are contained in the attached materials. A copy of the Initial Study ☐ is, ☐ is not, attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 45 days after receipt of this notice.

Please send your response to _____ at the address shown above. We will need the name for a contact person in your agency.

PROJECT TITLE:

PROJECT APPLICANT, IF ANY:

DATE _____ Signature _____
Title _____
Telephone _____

Reference: California Administrative Code, Title 14, Sections 15035.7, 15054.3, 15066.

SECTION III

California Environmental Quality Act of 1970 as Amended

Public Resources Code Section 21000 et Seq.

<u>Chapter</u>	<u>Contents</u>	<u>Page</u>
1	Policy	.III-1
2	Short Title.	.III-4
2.5	Definitions.	.III-4
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5	Submission of Information.	.III-21
6	Limitations.	.III-21

CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

AS AMENDED*

(Division 13, Public Resources Code, 21000 et seq.)

Chapter 1. Policy

21000. Legislative intent.

The Legislature finds and declares as follows:

(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage.

21000. Additional legislative intent.

The Legislature further finds and declares that it is the policy of the state to:

*As amended by AB 889 (Chap. 1154), 1972; AB 675 (Chap. 895), 1973; AB 2338 (Chap. 56), 1974; AB 1575 (Chap. 276), 1974; SB 707 (Chap. 1187), 1975; AB 2679 (Chap. 1312), SB 1274 (Chap. 753), SB 1275 (Chap. 593), 1976; AB 884 (Chap. 1200), 1977.

(a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

(d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and alternatives to proposed actions affecting the environment.

21002. Approval of projects; feasible alternative or mitigation measures.

The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives of feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

21002.1 Use of environmental impact reports; policy.

In order to achieve the objectives set forth in Section 21002 the Legislature finds and declares that the following policy

shall apply to the use of environmental impact reports prepared pursuant to the provisions of this division:

(a) The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which such significant effects can be mitigated or avoided.

(b) Each public agency shall mitigate or avoid the significant effects on the environment of projects it approves or carries out whenever it is feasible to do so.

(c) In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, such project may nonetheless be approved or carried out at the discretion of a public agency, provided that the project is otherwise permissible under applicable laws and regulations.

(d) In applying the policies of subdivisions (b) and (c) to individual projects, the responsibility of a public agency which is functioning as a lead agency shall differ from that of a public agency which is functioning as a responsible agency. A public agency functioning as a lead agency shall have responsibility for considering the effects, both individual and collective, of all activities involved in a project. A public agency functioning as a responsible agency shall have responsibility for considering only the effects of those activities involved in a project, which it is required by law to carry out or approve. The provisions of this subdivision shall apply only to decisions by a public agency to carry out or approve a project and shall not limit the scope of the comments such agency may wish to make pursuant to Sections 21104 or 21153.

21003. Planning and environmental review policies; documents; reports; data base, geographic areas.

The Legislature further finds and declares that it is the policy of the state that:

(a) Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all such procedures, to the maximum feasible extent, run concurrently, rather than consecutively.

(b) Documents prepared pursuant to this division be organized and written in such a manner that they will be meaningful and useful to decision-makers and to the public.

(c) Environmental impact reports omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.

(d) Information developed in individual environmental impact reports be incorporated into a data base which can be used to reduce delay and duplication in preparation of subsequent environmental impact reports.

(e) Information developed in environmental impact reports covering larger geographical areas be used to contribute to information required in specific environmental impact reports.

Chapter 2. Short Title

21050. Citation.

This division shall be known and may be cited as the California Environmental Quality Act.

Chapter 2.5. Definitions

21060. Application of definitions.

Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

21060.3. Emergency.

"Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

21060.5. Environment.

"Environment" means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.

21061. Environmental impact report.

"Environmental impact report" means a detailed statement setting forth the matters specified in Sections 21100 and 21100.1; provided that information or data which is relevant to such a statement and is a matter of public record or is generally available to the public need not be repeated in its entirety in such statement, but may be specifically cited as the source of conclusions stated therein; and provided further that such information or data shall be briefly described, that its relationship to the environmental impact report shall be indicated, and that the source thereof shall be reasonably available for inspection at a public place or public building. An environmental impact report also includes any comments which are obtained pursuant to Section 21104 or 21153, or which are required to be obtained pursuant to this division.

An environmental impact report is an informational document which, when its preparation is required by this division, shall be considered by every public agency prior to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.

In order to facilitate the use of environmental impact reports, public agencies shall require that such reports contain an index or table of contents and a summary. Failure to include such index, table of contents, or summary shall not constitute a cause of action pursuant to Section 21167.

21061.1. Feasible.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

21062. Local agency.

"Local agency" means any public agency other than a state agency, board, or commission. For purposes of this division, a redevelopment agency and a Local Agency Formation Commission are local agencies, and neither is a state agency, board or commission.

21063. Public agency.

"Public agency" includes any state agency, board of commission, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

21064. Negative declaration.

"Negative declaration" means a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.

21065. Project.

"Project" means the following:

(a) Activities directly undertaken by any public agency.

(b) Activities undertaken by a person which are supported in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(c) Activities involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

21066. Person.

"Person" includes any person, firm, associations, organizations, partnership, business, trust, corporation, company, district, county, city, town, the state, and any of the agencies and political subdivision of such entities.

21067. Lead Agency.

"Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

21068. Significant effect on the environment.

"Significant effect on the environment" means substantial, or potentially substantial, adverse change in the environment.

21069. Responsible agency.

"Responsible agency" means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.

Chapter 2.6 General

21080. Application to discretionary projects; non-application of division; negative declarations.

(a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits and the approval of tentative subdivision maps (except where such a project is exempt from the preparation of an environmental impact report pursuant to Section 21166).

(b) This division shall not apply to the following:

(1) Ministerial projects proposed to be carried out or approved by public agencies.

(2) Emergency repairs to public service facilities necessary to maintain service.

(3) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(4) Specific actions, necessary to prevent or mitigate an emergency.

(5) Projects which a public agency rejects or disapproves.

(6) Actions undertaken by a public agency relating to any powerplant site or facility, including the expenditure, obligation, or encumbrance of funds by a public agency for planning, engineering, or design purposes, or for the purchase of equipment, fuel, steam, or power for such a powerplant, if the powerplant site and related facility will be the subject of an environmental impact report or Negative Declaration prepared by the State Energy Resources Conservation and Development Commission, by the Public Utilities Commission, or by the city or county in which the powerplant and related facility would be located.

(7) Activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, an Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for such Olympic games.

(c) In the event that a lead agency determines that a proposed project, not otherwise exempt from the provisions of this division, does not have a significant effect on the environment, such lead agency shall adopt a Negative Declaration to that effect.

21080.1.

The lead agency shall have the responsibility for determining whether an environmental impact report or a Negative Declaration shall be required for any project subject to the provisions of this division. Such determination shall be final and conclusive on all persons, including responsible agencies, unless challenged as provided in Section 21167.

21080.2.

In the case of a project described in subdivision (c) of Section 21065, the determination required by Section 21080.1 shall be made within 45 days from the date on which an application for a project has been received and accepted as complete by the lead agency.

21080.3.

(a) Prior to determining whether a Negative Declaration or environmental impact report is required for a project, the lead agency shall consult with all responsible agencies.

(b) In order to expedite the requirements of subdivision (a), the Office of Planning and Research, upon request of a lead agency, shall assist such lead agency in determining the various responsible agencies for a proposed project. In the case of a project described in subdivision (c) of Section 21065, such a request may also be made by the project applicant.

(a) In the event that a lead agency determines that an environmental impact report is required for a project, such lead agency shall immediately send notice of such determination by certified mail to each responsible agency. Upon receipt of such notice, each responsible agency shall specify to the lead agency the scope and content of the environmental information which is germane to such responsible agency's statutory responsibilities in connection with the proposed project and which, pursuant to the requirements of this division, shall be included in the environmental impact report. Such information shall be specified in writing and shall be communicated to the lead agency by certified mail not later than 45 days after receipt of the notice of the lead agency's determination. The lead agency shall request similar guidance from appropriate federal agencies.

(b) In order to expedite the requirements of subdivision (a), the lead agency or any responsible agency may request one or more meetings between representatives of such agencies for the purpose of assisting the lead agency to determine the scope and content of the environmental information such responsible agency require. In the case of a project described in subdivision (c) of Section 21065, such a request may also be made by the project applicant. Such meetings shall be convened by the lead agency as soon as possible, but no later than 30 days, after they have been requested.

(c) In order to expedite the requirements of subdivision (a), the Office of Planning and Research, upon request of a lead agency, shall assist such lead agency in determining the various responsible agencies and any federal agencies which have responsibility for carrying out or approving a proposed project. In the case of a project described in subdivision (c) of Section 21065, such a request may also be made by the project applicant.

(d) In the event that a state agency is a responsible agency subject to the requirements of subdivision (a), the Office of Planning and Research shall ensure that the information required by subdivision (a) is transmitted to the lead agency within the required time period.

21080.5. Certified regulatory programs; plans in lieu of environmental impact report; certification.

(a) When the regulatory program of a state agency, board, or commission requires a plan or other written documentation, containing environmental information and complying with the requirements of paragraph (3) of subdivision (d) of this section, to be submitted in support of any of the activities listed in subdivision (b), such plan or other written documentation may be submitted in lieu of the environmental impact report required by this division; provided, that the Secretary of the Resources Agency has certified the regulatory program pursuant

to this section.

(b) The provisions of this section shall apply only to regulatory programs or portions thereof which involve:

(1) The issuance to a person, other than a public agency, of a lease, permit, license, certificate, or other entitlement for use; or

(2) The adoption or approval of standards, rules, regulations or plans for use in the regulatory program.

(c) A regulatory program certified pursuant to this section is exempt from the provisions of Chapter 3 (commencing with Section 21100) of this division.

(d) In order to qualify for certification pursuant to this section, a regulatory program shall require utilization of an interdisciplinary approach which will ensure the integrated use of the natural and social sciences in decision-making and shall meet all of the following criteria;

(1) The enabling legislation of the regulatory program shall:

(i) Include protection of the environment among its principal purposes.

(ii) Contain authority for the administering agency to promulgate rules and regulations for the protection of the environment, guided by standards set forth in the enabling legislation.

(2) The rules and regulations adopted by the administering agency shall:

(i) Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

(ii) Include guidelines for the orderly evaluation of proposed activities and the preparation of the plan or other written documentation in a manner consistent with the environmental protection purposes of the regulatory program.

(iii) Require the administering agency to consult with all public agencies which have jurisdiction, by law, with respect to the proposed activity.

(iv) Require that final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.

(v) Require the filing of a notice of the decision by the administering agency on the proposed activity with the Secretary of the Resources Agency. Such notices shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the office of the Resources Agency. Each such list shall remain posted for a period of 30 days.

(vi) Require notice of the filing of the plan or other written documentation to be made to the public and to any person who requests, in writing, such notification. The notification shall be made in a manner that will provide the public or any such person with sufficient time to review and comment on such filing.

(3) The plan or other written documentation required by the regulatory program shall:

(i) Include a description of the proposed activity with alternatives to the activity, and mitigation measures to minimize any significant adverse environment impact.

(ii) Be available for a reasonable time for review and comment by other public agencies and the general public.

(e) The Secretary of the Resources Agency shall certify a regulatory program which the secretary determines meets all the qualifications for certification set forth in this section, and withdraw certification on determination that the regulatory program no longer meets such qualifications. Certification and withdrawal of certification shall occur only after compliance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(f) Any action or proceeding to attack, review, set aside, void, or annul a determination or decision of a state agency, board, or commission approving or adopting a proposed activity under a regulatory program which has been certified pursuant to this section on the basis that the plan or other written documentation, prepared pursuant to paragraph (3) of subdivision (d) does not comply with the provisions of this section shall be commenced no later than 30 days from the date of the filing of notice of the approval or adoption of the activity.

21081. Necessary findings where environmental impact report identifies effects.

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one, or more, of the following findings:

(a) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact reports.

(b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

(c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

21082. Public agencies; adoption of objectives, criteria and procedures; consistency with guidelines.

All public agencies shall adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to this division. A school district, or any other district, whose boundaries are coterminous with a city, county, or city and county, may utilize the objectives, criteria, and procedures of the city, county, or city and county, as may be applicable, in which case, the school district or other district need not adopt objectives, criteria, and procedures of its own. The objectives, criteria, and procedures shall be consistent with the provisions of this division and with the guidelines adopted by the Secretary of the Resources Agency pursuant to Section 21083. Such objectives, criteria, and procedures shall be adopted by each public agency no later than 60 days after the Secretary of the Resources Agency has adopted guidelines pursuant to Section 21083.

21082.1. Environmental Impact Report or Negative Declaration; preparation by public agency.

Any Environmental Impact Report or Negative Declaration prepared pursuant to the requirement of this division shall be prepared directly by, or under contract to, a public agency.

This section is not intended to prohibit, and shall not be construed as prohibiting, any person from submitting information may be submitted in any format and may be included in whole or in part in any such report or declaration.

21083. Office of Planning and Research; preparation and development of guidelines; conditions.

The Office of Planning and Research shall prepare and develop proposed guidelines for the implementation of this division by public agencies. Such guidelines shall include objectives and criteria for the orderly evaluation of projects and the preparation of Environmental Impact Reports and Negative Declarations in a manner consistent with this division.

Such guidelines shall specifically include criteria for public agencies to follow in determining whether or not a proposed project may have a "significant effect on the environment". Such criteria shall require a finding that a project may have a "significant effect on the environment" if any of the following conditions exist:

(a) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.

(b) The possible effects of a project are individually limited but cumulatively considerable. As used in this subdivision, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(c) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Such guidelines shall also include procedures for determining the lead agency pursuant to the provisions of Section 21165.

Such guidelines shall also include criteria for public agencies to use in determining when a proposed project is of sufficient statewide, regional, or areawide environmental significance that it should be submitted to appropriate state agencies for review and comment prior to completion of an Environmental Impact Report or Negative Declaration thereon.

The Office of Planning and Research shall develop and prepare such proposed guidelines as soon as possible and shall transmit them immediately to the Secretary of the Resources Agency. No later than 60 days after the effective date of this section the Secretary of the Resources Agency shall certify and adopt such guidelines pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code, which shall become effective upon the filing thereof, provided that such guidelines shall not be adopted without compliance with Sections 11423, 11424, and 11425 of the Government Code.

21083.5. Submission of federal impact report in lieu of state report; conditions.

The guidelines prepared and adopted pursuant to Section 21083 shall provide that when an environmental impact statement has been, or will be, prepared for the same project pursuant to the requirements of the National Environmental Policy Act of 1969 and implementing regulations thereto, all or any part of such statement may be submitted in lieu of all or any part of an environmental impact report required by this division, provided that such statement, or the part thereof so used, shall comply with the requirements of this division and the guidelines adopted pursuant thereto.

21083.6.

In the event that a project requires both an environmental impact report prepared pursuant to the requirements of this division and an environmental impact statement prepared pursuant to the requirements of the National Environmental Policy Act of 1969, an applicant may request and

the lead agency may waive the time limits established pursuant to Section 21100.2 or 21151.5 if it finds that additional time is required to prepare a combined environmental impact report-environmental impact statement and that the time required to prepare such a combined document would be shorter than that required to prepare each document separately.

21083.7.

In the event that a project requires both an environmental impact report prepared pursuant to the requirements of this division and an environmental impact statement prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the lead agency shall, whenever possible, use the environmental impact statement as such environmental impact report as provided in Section 21083.5. In order to implement the provision of this section, each lead agency to which this section is applicable shall consult, as soon as possible, with the agency required to prepare such environmental impact statement.

21084. List of exempt classes of projects; projects damaging scenic resources.

(a) The guidelines prepared and adopted pursuant to Section 21083 shall include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from the provisions of this division. In adopting the guidelines, the Secretary of the Resources Agency shall make a finding that the list or classification of projects referred to in this section do not have a significant effect on the environment.

(b) No project of the Department of Transportation which will result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an official state scenic highway, as designated pursuant to Section 262 of the Streets and Highways Code, shall be exempted from this division pursuant to subdivision (a).

21085. Exemption from division provisions.

All classes of projects designated pursuant to Section 21084 shall be exempt from the provisions of this division.

21086. Addition or deletion of exempt classes of projects; procedure.

A public agency may, at any time, request the addition or deletion of a class of projects, to the list designated pursuant to Section 21084. Such a request shall be made in writing to the Office of Planning and Research and shall include information supporting the public agency's position that such class of projects does, or does not, have a significant effect on the environment.

The Office of Planning and Research shall review each such request and, as soon as possible, shall submit its recommendation to the Secretary of the Resources Agency. Following the receipt of such recommendation, the Secretary of the Resources Agency may add or delete the class of projects to the list of classes of projects designated pursuant to Section 21084 which are exempt from the requirements of this division.

The addition or deletion of a class of projects, as provided in this section, to the list specified in Section 21084 shall constitute an amendment to the guidelines adopted pursuant to Section 21083 and shall be adopted in the manner prescribed in Sections 21083, 21084, and 21087.

21087. Reviewal of guidelines; changes or amendments.

The Office of Planning and Research shall periodically review the guidelines adopted pursuant to Section 21083 and shall recommend proposed changes or amendments to the Secretary of the Resources Agency. Changes or amendments to the guidelines shall be adopted by the Secretary of the Resources Agency in conformance with Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

21088. Distribution of guidelines, amendments and changes; notice.

The Secretary of the Resources Agency shall provide for the timely distribution to all public agencies of the guidelines and any amendments or changes thereto. In addition, the Secretary of the Resources Agency may provide for publication of a bulletin to provide public notice of the guidelines, or any amendments or changes thereto, and of the completion of environmental impact reports prepared in compliance with this division.

21089. Fees.

A public agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this division in order to recover the estimated costs incurred by the public agency in preparing a negative declaration or an environmental impact report for such project.

21090. Redevelopment plan deemed single project.

For all purposes of this division all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan shall be deemed a single project.

21091. Blank.

21092. Public notice of preparation of environmental impact report or negative declaration; publication.

Any public agency which is preparing an environmental impact report or a negative declaration shall provide public notice of

such fact within a reasonable period of time prior to final adoption by the public agency of such environmental impact report or negative declaration. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:

(a) Publication, no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area affected by the proposed project.

(b) Posting of notice by the public agency on- and off-site in the area where the project is to be located.

(c) Direct mailing to owners of contiguous property.

The alternatives for providing notice specified in subdivisions (a) to (c) , inclusive, shall not preclude a public agency from providing additional notice by other means if such agency desires, nor shall the requirements of this section preclude a public agency from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such project.

Chapter 3. State Agencies, Boards and Commissions

21100. Environmental impact report on proposed state projects.

All state agencies, boards, and commissions shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they propose to carry out or approve which may have a significant effect on the environment. Such a report shall include a detailed statement setting forth the following:

(a) The significant environmental effects of the proposed project.

(b) Any significant environmental effects which cannot be avoided if the project is implemented.

(c) Mitigation measures proposed to minimize the significant environmental effects including, but not limited to, measures to reduce wasteful, inefficient, and unnecessary consumption of energy.

(d) Alternatives to the proposed project.

(e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(f) Any significant irreversible environmental changes which would be involved in the proposed project should it be implemented.

(g) The growth-inducing impact of the proposed project.

The report shall also contain a statement briefly indicating the reasons for determining that various effects of a project are not significant and consequently have not been discussed in detail in the environmental impact report.

21100.1. Information not required in certain environmental impact reports.

The information described in subdivisions (e) and (f) of Section 21100 shall be required only in environmental impact reports prepared in connection with the following:

(a) The adoption, amendment, or enactment of a plan, policy or ordinance of a public agency.

(b) The adoption by a Local Agency Formation Commission of a resolution making determinations.

(c) A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969.

21100.2.

Each state agency shall establish by resolution or order, time limits, not to exceed one year for completing and certifying environmental impact reports, and 105 days for negative declarations, for projects described in subdivision (c) of Section 21065. Such time limits shall apply only to those circumstances in which such state agency is the lead agency for a project. Such resolutions or orders may establish different time limits for different types or classes of projects, but all such limits shall be measured from the date on which an application requesting approval of such project is received and accepted as complete by the state agency. The resolutions or orders required by this section may provide for a reasonable extension of such time period in the event that compelling circumstances justify additional time and the project applicant consents thereto.

21101. Environmental impact report on proposed federal projects.

In regard to any proposed federal project in this state which may have a significant effect on the environment and on which the state officially comments, the state officials responsible for such comments shall include in their report a detailed statement setting forth the matters specified in Section 21100 prior to transmitting the comments of the state to the federal government unless it includes such a detailed statement as to the matters specified in Section 21100.

21102. Request for or authorization of expenditure of funds; statement of effect on environment.

No state agency, board, or commission shall request funds, nor shall any state agency, board, or commission which authorizes expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure for any project, other than a project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted or funded, which may have a significant effect on the environment unless such request or authorization is accompanied by an environmental impact report.

Feasibility and planning studies exempted by this section from the preparation of an environmental impact report shall nevertheless include consideration of environmental factors.

21103. Repealed.

21104. State agency; consultations prior to completion of impact report.

Prior to completing an environmental impact report, the state lead agency shall consult with, and obtain comments from, each responsible agency and any public agency which has jurisdiction by law with respect to the project, and may consult with any person who has special expertise with respect to any environmental impact involved.

The state lead agency shall consult with, and obtain comments from, the State Air Resources Board in preparing an environmental impact report on a highway or freeway project, as to the air pollution impact of the potential vehicular use of such highway or freeway.

21105. Environmental impact report and comments as part of regular project report; availability to legislature and general public.

The state lead agency shall include the environmental impact report as part of the regular project report used in the existing review and budgetary process. It shall be available to the Legislature. It shall also be available for inspection by any member of the general public, who may secure a copy thereof by paying for the actual cost of such copy. It shall be filed by the state lead agency with the appropriate local planning agency of any city, county, or city and county which will be affected by the project.

21106. Request of funds to protect environment.

All state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.

21107. Repealed.

21108. State agency, board or commission; approval or determination to carry out project; notice; contents; public inspection; posting.

(a) Whenever a state agency, board, or commission approves or determines to carry out a project which is subject to the provisions of this division, it shall file notice of such approval or such determination with the Secretary of the Resources Agency. Such notice shall indicate the determination of the agency, board, or commission whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental impact report has been prepared pursuant to the provisions of this division.

(b) Whenever a state agency, board, or commission determines that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172, and it approves or determines to carry out such project, it, or the person specified in subdivision (b) or (c) of Section 21065, may file notice of such determination with the Secretary of the Resources Agency. Any notice filed pursuant to this subdivision by a person specified in subdivision (b) or (c) of Section 21065 shall have a certificate of determination attached to it issued by the state agency, board, or commission responsible for making the determination that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172. The certificate of determination may be in the form of a certified copy of an existing document or record of the state agency, board, or commission.

(c) All notices filed pursuant to this section shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of 30 days.

Chapter 4. Local Agencies

21150. Environmental impact report required before allocation of state or federal funds.

State agencies, boards, and commissions responsible for allocating state or federal funds on a project-by-project basis to local agencies for any project which may have a significant effect on the environment, shall require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds other than funds solely for projects involving only feasibility of planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded.

21151. Local agencies; preparation and completion of impact report; submission as part of general plan report.

All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as part of that report.

21151.5 Time limits for preparation of environmental impact reports and negative declarations.

Each local agency shall establish, by ordinance or resolution time limits, not to exceed one year for completing and certifying environmental impact reports, and 105 days for negative declarations, for projects described in subdivision (c) of Section 21065. Such time limits shall apply only to those circumstances in which such local agency is the lead agency for a project. Such ordinances or resolutions may establish different time limits for different types or classes of projects, but all such limits shall be measured from the date on which an application requesting approval of such project is received and accepted as complete by the local agency. The ordinances required by this section may provide for a reasonable extension of such time period in the event that compelling circumstances justify additional time and the project applicant consents thereto.

21152. Local agency; approval or determination to carry out project; notice; contents; public inspection; posting.

(a) Whenever a local agency approves or determines to carry out a project which is subject to the provisions of this division, it shall file notice of such approval or such determination with the County Clerk of the county, or counties, in which the project will be located. Such notice shall indicate the determination of the local agency whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental impact report has been prepared pursuant to the provisions of this division.

(b) Whenever a local agency determines that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172, and it approves or determines to carry out such a project, it, or the person specified in subdivision (b) or (c) of Section 21065, may file notice of such determination with the county clerk of the county, or counties, in which the project will be located. Any notice filed pursuant to this subdivision by a person specified in subdivision (b) or (c) of Section 21065 shall have a certificate of determination attached to it issued by the local agency responsible for making the determination that a project is not subject to the provisions of this division pursuant

to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172. The certificate of determination may be in the form of a certified copy of an existing document or record of the local agency.

(c) All notices filed pursuant to this section shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the office of the county clerk. Each such list shall remain posted for a period of 30 days.

21153. Local agency; consultations prior to completion of impact report.

Prior to completing an environmental impact report, every local lead agency shall consult with, and obtain comments from, each responsible agency and any public agency which has jurisdiction by law with respect to the project, and may consult with any person who has special expertise with respect to any environmental impact involved.

21154. Issuance of project order by state; effect on impact report of local agency.

Whenever any state agency, board, or commission issues an order which requires a local agency to carry out a project which may have a significant effect on the environment, any environmental impact report which the local agency may prepare shall be limited to consideration of those factors and alternatives which will not conflict with such order.

21155. Economic practices manual; development and contents.

The Secretary of the Resources Agency shall develop an economic practices manual which may be used by local agencies in assessing the economic efficiency and fiscal impact of alternative land use proposals by local agencies and as an aid in evaluating private land use proposals.

The manual shall present economic and fiscal criteria for local agencies to use in developing comprehensive and multi-disciplined programs and procedures for evaluating alternative land use policies and private land use proposals. The manual shall include a step-by-step program which local agencies may follow, including, but not limited to, sources of data, methods of summarizing and using the data, formulas for evaluating the economic efficiency and fiscal impact of land use decisions, a guideline on how to prepare a simple statement of results, and a means for equating economic factors with social and environmental factors.

The Secretary of the Resources Agency may obtain private counseling in the preparation of the manual. On or before January 1, 1975, the Secretary of the Resources Agency shall submit a proposed manual to the Legislature for its review. It is the intent of the Legislature hereby to permit the Legislature to review the manual and to comment thereon prior to its final adoption by the Secretary of the Resources Agency and its distribution to local agencies.

Chapter 5. Submission of Information

21160. Application for lease, permit, license, etc., data and information; purpose; trade secrets.

Whenever any person applies to any public agency for a lease, permit, license, certificate, or other entitlement for use, the public agency may require that person to submit data and information which may be necessary to enable the public agency to determine whether the proposed project may have a significant effect on the environment or to prepare an environmental impact report.

If any or all of the information so submitted is a "trade secret" as defined in Section 6254.7 of the Government Code by those submitting that information, it shall not be included in the impact report or otherwise disclosed by any public agency. This section shall not be construed to prohibit the exchange of properly designated trade secrets between public agencies who have lawful jurisdiction over the preparation of the impact report.

21161. Completion of impact report; notice; validity of project.

Whenever a public agency has completed an environmental impact report, it shall cause a notice of completion of such report to be filed with the Secretary of the Resources Agency. The notice of completion shall briefly identify the project and shall indicate that an environmental impact report has been prepared. Failure to file the notice required by this section shall not affect the validity of a project.

Chapter 6. Limitations

21165. Lead agency; preparation of impact report.

When a project is to be carried out or approved by two or more public agencies, the determination of whether the project may have a significant effect on the environment shall be made by the lead agency; and such agency shall prepare, or cause to be prepared by contract, the environmental impact report for the project, if such a report is required by this division. In the event that a dispute arises as to which is the lead agency, any public agency, or in the case of a project described in subdivision (c) of Section 21065 the applicant for such project may submit the question to the Office of Planning and Research, and the Office of Planning and Research shall designate, within 21 days of receiving such request, the lead agency, giving due consideration to the capacity of such agency to adequately fulfill the requirements of this division.

21166. Subsequent impact report; conditions.

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

21167. Commencement of actions or proceedings; time.

Any action or proceeding to attack, review, set aside, void, or annul the following acts or decisions of a public agency on the grounds of noncompliance with this division shall be commenced as follows:

(a) An action or proceeding alleging that a public agency is carrying out or has approved a project which may have a significant effect on the environment without having determined whether the project may have a significant effect on the environment shall be commenced within 180 days of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

(b) Any action or proceeding alleging that a public agency has improperly determined whether a project may have a significant effect on the environment shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152.

(c) Any action or proceeding alleging that an environmental impact report does not comply with the provisions of this division shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21108 or subdivision (a) of Section 21152 by the lead agency.

(d) Any action or proceeding alleging that a public agency has improperly determined that a project is not subject to the provisions of this division pursuant to subdivision (b) of Section 21080 or pursuant to Section 21085 or 21172 shall be commenced within 35 days after the filing by the public agency, or person specified in subdivision (b) or (c) of Section 21065, of

the notice authorized by subdivision (b) of Section 21108 or subdivision (b) of Section 21152. If such notice has not been filed, such action or proceeding shall be commenced within 180 days of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

(e) Any action or proceeding alleging that any other act or omission of a public agency does not comply with the provisions of this division shall be commenced within 30 days after the filing of the notice required by subdivision (a) of Section 21152.

21167.1. Preferential hearing over other civil actions.

In all actions brought pursuant to Section 21167, including the hearing of any such action on appeal from the decision of a lower court, all courts wherein such actions are or may hereafter be pending, shall give such actions preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

21167.2.

If no action or proceeding alleging that an environmental impact report does not comply with the provisions of this division is commenced during the period prescribed in subdivision (c) of Section 21167, the environmental impact report shall be conclusively presumed to comply with the provisions of this division for purposes of its use by responsible agencies, unless the provisions of Section 21166 are applicable.

21167.3.

If any action or proceeding alleging that an environmental impact report does not comply with the provisions of this division is commenced during the period described in subdivision (c) of Section 21167, responsible agencies shall assume that the environmental impact report for a project does comply with the provisions of this division and shall issue a conditional approval or disapproval of such project according to the time-table for agency action in Article 5 (commencing with Section 659590 of Chapter 4.5 of Division 1 of Title 7 of the Government Code. A conditional approval shall constitute permission to proceed with a project when and only when such action or proceeding results in a final determination that the environmental impact report does comply with the provisions of this division.

21167.4. Blank.

21167.5. Proof of service; filing with initial pleading.

Proof of prior service by mail upon the public agency carrying out or approving the project of a written notice of the commencement of any action or proceeding described in Section 21167 identifying the project shall be filed concurrently with the initial pleading in such action or proceeding.

21167.6. Blank.

21167.7. Copy of pleadings to attorney general; granting of relief.

Every person who brings an action pursuant to Section 21167 shall comply with the requirements of Section 389.6 of the Code of Civil Procedure. Every such person shall also furnish pursuant to Section 389.6 of the Code of Civil Procedure a copy of any amended or supplemental pleading filed by such person in such action to the Attorney General. No relief, temporary or permanent, shall be granted until a copy of the pleading has been furnished to the Attorney General in accordance with such requirements.

21168. Review of determination, finding or decision of public agency; law governing; scope.

Any action or proceeding to attack, review, set aside, void or annul a determination, finding, or decision of a public agency, made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in a public agency, on the grounds of non-compliance with the provisions of this division shall be in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure.

In any such action, the court shall not exercise its independent judgment on the evidence but shall only determine whether the act or decision is supported by substantial evidence in the light of the whole record.

21168.1. Blank.

21168.2. Blank.

21168.3. Preference over other civil actions.

In all actions brought pursuant to Section 21167, including the hearing of any such action on appeal from the decision of a lower court, all courts wherein such actions are or may hereafter be pending, shall give such actions preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

21168.4. Blank.

21168.5. Abuse of discretion.

In any action or proceeding, other than an action or proceeding under Section 21168, to attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the grounds of noncompliance with this division, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.

21168.6. Mandate to public utilities commission; supreme court jurisdiction.

In any action or proceeding under Sections 21168 or 21168.5 against the Public Utilities Commission the writ of mandate shall lie only from the Supreme Court to such Commission.

21168.7. Declaration of existing law.

Sections 21168 and 21168.5 are declaratory to existing law with respect to the judicial review of determinations or decisions of public agencies made pursuant to this division.

21169. Validation; issuance of lease, permit, etc., or project undertaken, etc.

Any project defined in subdivision (c) of Section 21065 undertaken, carried out or approved on or before the effective date of this section and the issuance by any public agency of any lease, permit, license, certificate or other entitlement for use executed or issued on or before the effective date of this section notwithstanding a failure to comply with this division, if otherwise legal and valid, is hereby confirmed, validated and declared legally effective. Any project undertaken by a person which was supported in whole or part through contracts with one or more public agencies on or before the effective date of this section, notwithstanding a failure to comply with this division, if otherwise legal and valid, is hereby confirmed, validated and declared legally effective.

21170. Judicial proceedings in progress; effect.

(a) Section 21169 shall not operate to confirm, validate or give legal effect to any project the legality of which was being contested in a judicial proceeding in which proceeding the pleadings, prior to the effective date of this section, alleged facts constituting a cause of action for, or raised the

issue of, a violation of this division and which was pending and undetermined on the effective date of this section; provided, however, that Section 21169 shall operate to confirm, validate or give legal effect to any project to which this subdivision applies if, prior to the commencement of judicial proceedings and in good faith and in reliance upon the issuance by a public agency of any lease, permit, license, certificate or other entitlement for use, substantial construction has been performed and substantial liabilities for construction and necessary materials have been incurred.

(b) Section 21169 shall not operate to confirm, validate or give legal effect to any project which had been determined in any judicial proceeding, on or before the effective date of this section to be illegal, void or ineffective because of noncompliance with this division.

21172. Moratorium provision; lease, permit, license, etc., and certain projects.

This division, except for Section 21169, shall not apply to the issuance of any lease, permit, license, certificate or other entitlement for use for any project defined in subdivision (c) of Section 21065 or to any project undertaken by a person which is supported in whole or in part through contracts with one or more public agencies until the 121st day after the effective date of this section. This section shall not apply to any project to which Section 21170 is applicable or to any successor project which is the same as, or substantially identical to, such a project.

This section shall not prohibit or prevent a public agency, prior to the 121st day after the effective date of this section, from considering environmental factors in connection with the approval or disapproval of a project and from imposing reasonable fees in connection therewith.

21172. Disasters; maintenance, repair, etc., property or facilities damaged; exemption.

This division shall not apply to any project undertaken, carried out or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1, Title 2 of the Government Code.

21172.5. Evaluation of projects and status of impact reports during moratorium period.

Until the 121st day after the effective date of this section any objectives, criteria and procedures adopted by public agencies in compliance with this division shall govern the evaluation of projects defined in subdivisions (a) and (b) of Section 21065 and the preparation of environmental impact reports on such projects

when required by this division.

Any environmental impact report which has been completed or on which substantial work has been performed on or before the 121st day after the effective date of this section, if otherwise legally sufficient, shall, when completed, be deemed to be in compliance with this division and no further environmental impact report shall be required except as provided in Section 21166.

21173. Severability.

If any provision of this division or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of this division which can be given effect without the invalid provision or application thereof, and to this end the provisions of this division are severable.

21174. Construction of division; enforcement and administration of other provisions; coastal zone conservation.

No Provision of this division is a limitation or restriction on the power or authority of any public agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer including, but not limited to, the powers and authority granted to the California Coastal Commission or any regional coastal commission pursuant to Division 20 (commencing with Section 30000) of the Public Resources Code. To the extent of any inconsistency or conflict between the provisions of the California Coastal Act of 1976, Division 20 (commencing with Section 30000) of the Public Resources Code, and the provisions of this division, the provisions of Division 20 (commencing with Section 30000) of the Public Resources Code shall control.

21175. Local agency formation commission; confirmation, validation and legality of project approvals; time.

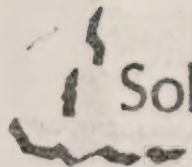
In the event that a local agency formation commission, acting pursuant to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of, or pursuant to Division 1 (commencing with Section 56000) of Title 6 of, the Government Code, has approved a project without complying with division, such approval is hereby confirmed, validated, and declared legally effective notwithstanding the failure to comply with this division: provided, that such approval shall have occurred prior to February 7, 1975.

21176. Judicial proceedings pending or determined; time; effect on operation of 21175.

(a) Section 21175 shall not operate to confirm, validate, or give legal effect to any project, the legality of which

was being contested in a judicial proceeding in which proceeding the pleadings, prior to February 7, 1975, alleged facts constituting a cause of action for, or raised the issue of, a violation of this division, and which was pending and undetermined on February 7, 1975.

(b) Section 21175 shall not operate to confirm, validate, or give legal effect to any project which had been determined in any judicial proceeding, on or before the effective date of this section, to be illegal, void, or ineffective because of noncompliance with this division.



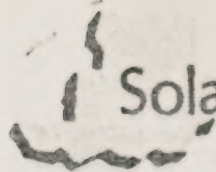
Solano County Planning Department

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FEE SCHEDULE

Effective 6-13-78 Except As Noted

<u>Fees or Permit Application</u>	<u>Fee</u>
1. Rezone	\$300.00 + \$2.00/ac.
2. Variance Permit	125.00
3. Use Permit	
a. Zoning Administrator	100.00 effective 9-7-78
b. Planning Commission	300.00 effective 9-7-78
4. Use Permit Extension	50.00 effective 9-7-78
5. Mutual Agreement (utility facility)	300.00
6. Planned Unit Development	350.00 + 5.00/dwelling unit + 25.00/comm'l enterprise
7. Reclamation Plan	350.00 effective 8-24-78
8. Reclamation Plan w/Use Permit	500.00 effective 8-24-78
9. Annual Site Inspection	50.00 effective 8-24-78
10. Gas Well-Zoning Building Permit	50.00 effective 9-14-78
11. Marsh Permit (unless covered by Use Permit)	40.00 effective 8-24-78
12. General Plan Amendment	200.00 500.00 or actual cost of County contract w/consultant
13. Specific Plan Review	300.00 or actual cost of County contract w/consultant eff. 8-24-78
14. Agricultural Preserve	150.00
15. Land Division	150.00 + 25.00/lot
16. Lot Line Adjustment	75.00
17. Subdivision	350.00 + 5.00/lot
18. Environmental Impact Report - Actual cost for consultant prepared EIR plus staff time, as follows:	
Professional	20.00/hour
Sub-professional	10.00/hour
Minimum Staff Fee per EIR	250.00
19. Negative Declaration	
Local Review	75.00
State Clearinghouse Review	150.00
20. Request for Specific Information Requiring Research	20.00/hour effective 8-24-78



Solano County Planning Department

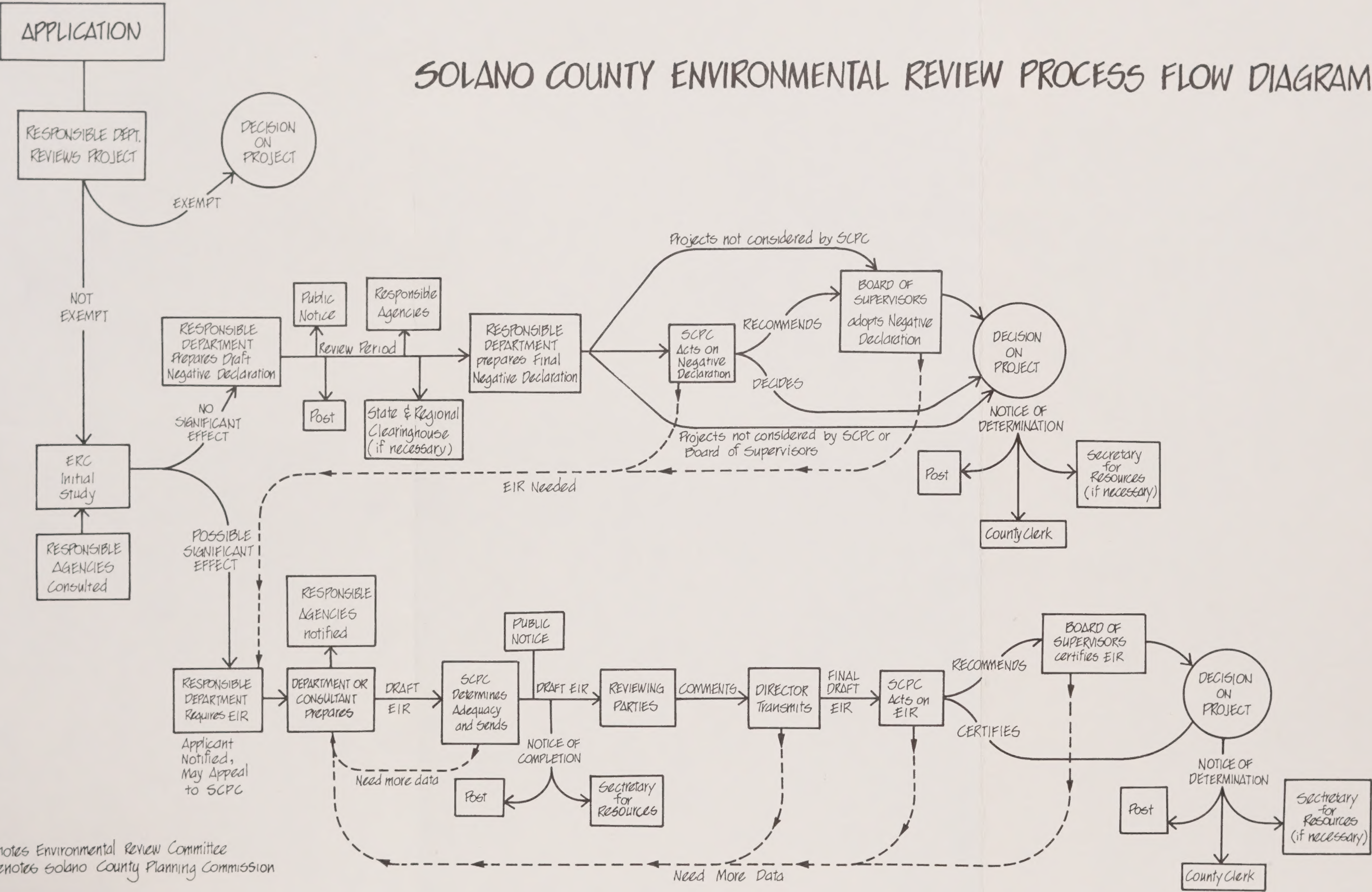
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SOLANO COUNTY ENVIRONMENTAL REVIEW PROCESS FLOW DIAGRAM



NOTE:
ERC Denotes Environmental Review Committee
SCPC Denotes Solano County Planning Commission

U.C. BERKELEY LIBRARIES



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